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ABSTRACT

Teacher-developed materials for legal education in elementary and junior high schools in Florida are presented. The lessons focus on the consequences of crime and rule-breaking in terms of the law and penal systems, the victim and loved ones, the criminal and loved ones (as victims, too), and the community, which suffers and pays the costs. In the primary grades, students focus on game rules, highway and other signs as reminders of rules, school and classroom rules, bicycle safety, reward and punishment, and responsibility. Upper elementary students examine responsibility to and rules of the community, stealing, shoplifting, and assault and battery. They create a classroom rule book and discuss relevant Florida laws. Junior high school students study unusual laws in the history of the United States (e.g., crocodiles could not be tied to fire hydrants in Michigan), felonies and misdemeanors according to Florida statutes, shoplifting, duties of law enforcement officers, the criminal justice process, testifying in court, juvenile arrest, and the juvenile justice system. Other materials include a list of fundamental skills in law education; infusing law education in the social studies curriculum, grades 4, 5, and 6; the process of the criminal justice system (with forms attached); and a short bibliography for students. Activities at all levels include worksheets, role play, vocabulary exercises, discussions of hypothetical situations, and presentations by resource persons. (KC)

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LAW AND RESPONSIBILITIES

(Law-Related Education Materials)
1982-83

OKEECHOBEE COUNTY

Materials Produced
by Teachers in

OKEECHOBEE COUNTY

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SO 014 770

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FOREWORD

These lessons for law education were produced by Okeechobee County teachers for their classes and students. They are sharing them with others because they think that law education is important for all children -- and they hope that you will share your creative lesson ideas with them. The lessons are designed to compliment Judge Clifton M. Kelly's units in THE CONSEQUENCES OF CRIME.

Why law education? A recent study suggested that law education can significantly reduce delinquency when taught according to prescribed principles. In the study, students were less likely to use violence to solve conflicts, and were less dependent upon others who engage in delinquent behavior. The study found that increased knowledge of the law, reasons for law and rules, and criminal and juvenile justice systems was directly related to reductions in delinquency.

Success in law education of this type stresses youth participation in case studies, mock trials, and ways to manage conflict; positive experience with law enforcement officers and members of the criminal and juvenile justice systems (judges, HRS workers, etc.); examination of local delinquent or criminal acts in and out of school, studying the CONSEQUENCES of such actions not only in the context of the COURTS & JAILS, but in terms of the VICTIMS. VICTIMS are aways defined as 1) the person whose property or person was adversely affected, and his/her loved ones; 2) the person who did the delinquent/criminal act, and his/her loved ones (--who are certainly victims, too); and 3) the COMMUNITY -- or SOCIETY in general -- where the costs are paid, the sense of trust and caring diminished, and all victims suffer.

Law Education focused upon the CONSEQUENCES OF CRIME is not to learn simply what the LAW SAYS or to see what the LAW WILL DO TO YOU, if you do this or that.

CRIME ==================================> LAW & PENAL SYSTEM

That is simplistic. Our efforts are to build EMPATHY and RESPONSIBILITY, and UNDERSTANDING. That is, why do we have laws, or this law or that law? Who benefits? Why? What is our duty here? Or responsibility there? How do we get such duties and responsibilities? What are the consequences of this behavior or that? Who are the victims of this behavior or that? What are the rewards of this way of acting, or that way of behaving?

CRIME ============================> LAW & PENAL SYSTEM
============================> Victim & Loved Ones
============================> "Criminal" and Loves Ones (as Victims, too)
============================> Community (Suffers and Pays the Costs)

The lessons in this booklet are openings, ways to begin to teach youngsters the consequences of rule breaking and law breaking. They are to be used with Judge Clifton M. Kelly's THE CONSEQUENCES OF CRIME booklet, which is available to teachers in Highlands County, through the good offices of Glenn Odham, Coordinator of Social Studies, 426 School Street, Sebring, 33870 -- 382-1121.

Wayne H. Duncan, Director
Tri-County Teacher Education Center

FUNDAMENTAL SKILLS IN LAW-EDUCATION FOCUSED UPON THE CONSEQUENCES OF CRIME AND RULE-BREAKING

1.0 Law and Human Behavior in Social Systems

1.1 Stating the functions of rules/laws in a society or social institution

1.11 Social rules = written or unwritten social expectations about human behavior

1.12 Laws = formal, written rules regarding human behavior which are enforced by the power of government authority

1.2 Explaining social expectations which develop in a society in terms of general norms affecting everyone and role-specific expectations, affecting those persons as they play specific social roles

1.3 Explaining the process of making legitimate, written rules/laws in a society or social institution, in terms of decision-makers, power, and authority

1.4 Defining the fundamental concepts by examples and by attributes in school and family rules and in those laws enforceable in the juvenile and criminal justice systems

1.5 Defining the fundamental processes of legitimate rule/law enforcement within the school environment and within the environments of the juvenile and the adult criminal justice systems

1.6 Projecting the alternative courses of action open to law enforcement personnel, school authorities, and officials in the juvenile and criminal justice systems in dealing with ajudicated rule/law breakers

1.7 Explaining how individuals, groups, and authorities use social rewards and non-rewards (punishments) to support social rules/laws and to promote rule/law following behavior

1.8 Explaining the responsibilities of citizens toward reasonable rules/laws, and citizen duties toward legitimate authority and law enforcement personnel

1.9 Evaluating rules/laws in terms of their functions, purposes, clarity, and practical consequences

2.0 Law and Specific Social Situations

2.1 Recalling what the rules/laws are in a given social situation

2.2 Comprehending what a specific law says, translating the rule/law into one's own words

2.3 Applying the specific rule/law to a specific case situation (real or hypothetical) to see if the rule/law applies in that situation and to determine if the rule/law has been violated, explaining one's conclusions

2.4 Defining by examples and attributes the concepts in a specific rule/law

2.5 Predicting the consequences of violating or following a rule/law for all of those potentially affected, including the society at large

2.6 Identifying the "victims" of rule/law violations, and predicting the consequences for them (e.g., feelings, self-concept, changes in life situation, etc.)

2.7 Explaining the procedures for dealing with rule/law violators in a) schools, b) the juvenile justice system, and c) the adult criminal justice system

2.8 Projecting the alternative courses of action open to persons responding to rule/law violators, and the purposes of these responses (ranging from revenge and punishment to restoring the web of social recrocity)

2.9 Identifying reasonable actions open to school authorities and law enforcement personnel in dealing with rule/law violators, and to list the key factors which influence their judgments about appropriate actions (e.g., prior record, attitude, restitution, intent, etc.)

2.10 Taking and justifying a position on what should be done in a specific case of rule/law breaking, and on a public policy issues about rules/laws and their enforcement

2.11 Projecting the alternative courses of action open to persons and groups in a situation where the persons or groups decided to break the rule/law

2.12 Explaining the reasons for a specific rule/law in terms of a) who benefits, b) an assessment of the advantages abd disadvantages of that rule/law, and c) a prediction about how life would be different without this rule/law

2.13 Evaluating the application of a rule/law in social settings, in terms of consistency, fairness, and consequences

ALL LAWS ARE RULES;

BUT ALL RULES ARE NOT LAWS!

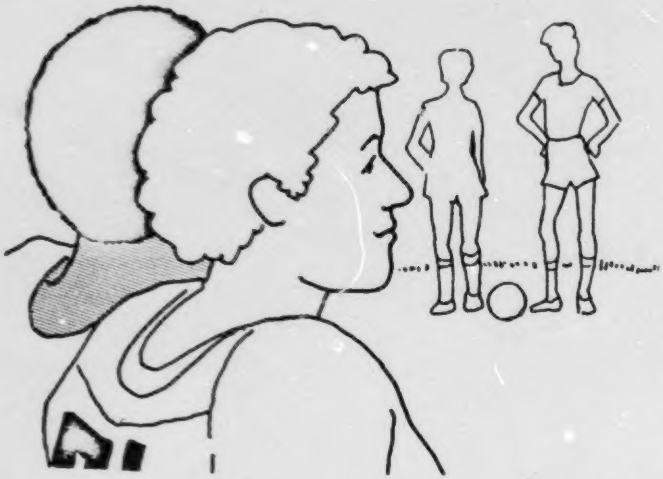
Lessons for the early
elementary school years.....

NAME______________________________TEACHER________________

SCHOOL____________________________DATE___________________

GAMES HAVE RULES

Look at the following pictures. Name the game shown in each picture.



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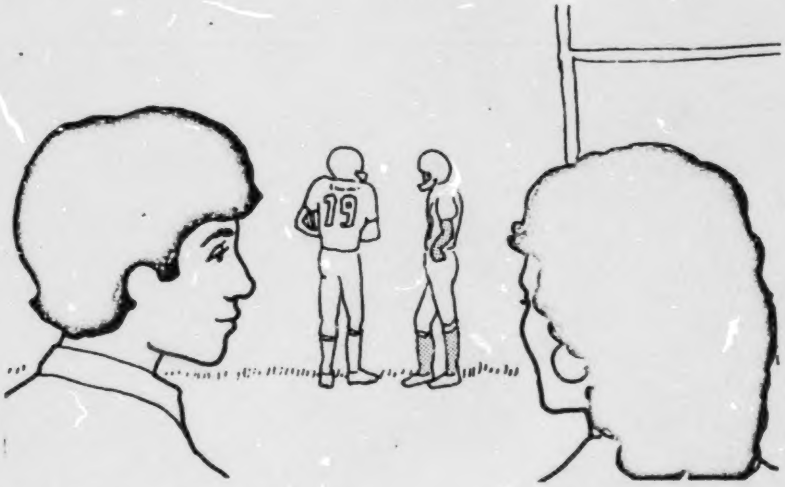


Discuss the rules of each game with your teacher and classmates.

What games do you play?

What rules do you use to play these games?

Why do almost all games have rules to follow?

NAME____________________ TEACHER____________________

SCHOOL____________________ DATE____________________

LIVING HAS RULES

Read the following story with your teacher. Ask your teacher to tell you this story in his or her own words.

Then, pretend that you are all lost on this island! What would you do?

Survivors on an Island

You are all on an island. It is three miles long and one mile wide. The highest elevation on the island is 300 feet at the north end. A cave was found within this hill that contains 500 pounds of wheat in an unmarked waterproof container. There is a fresh water spring on the island. The island is somewhere in a warm-water ocean. Thirty percent of the island is covered with vegetation. The island is not on any air or sea navigation chart. No plane or ship passes within sight of the island. Whatever means you had for getting on the island is destroyed.

1. Would you have to make some rules? Why?

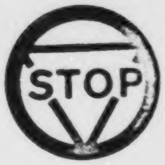
2. Could you all live on the island without rules to follow? Why? Why not?

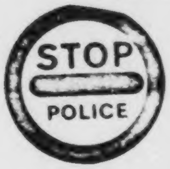
3. What kinds of rules would you need?

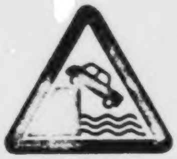
NAME______________________________TEACHER____________________________

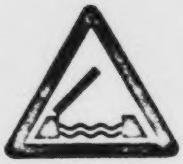
SCHOOL______________________________DATE____________________________

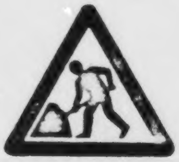
SIGNS REMIND US OF THE RULES

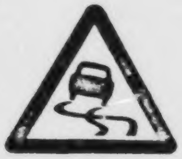


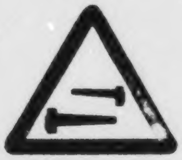


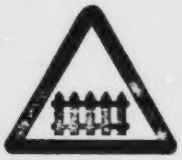

Quayside or river bank

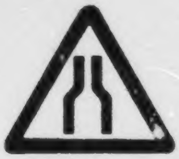

Opening or swing bridge

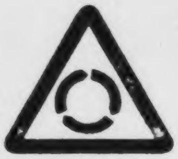

Road works

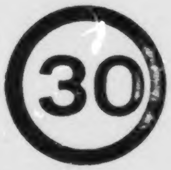

Slippery road


Railroad crossing with automatic half-barriers ahead

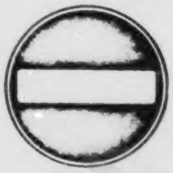

Railroad crossing with other barrier or gate ahead


Road narrows on both sides

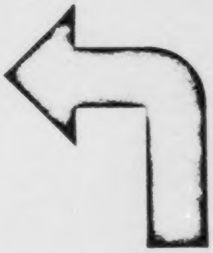

Roundabout

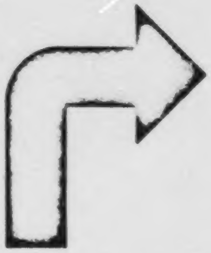


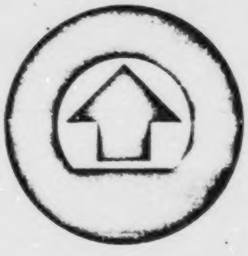
Maximum speed limit

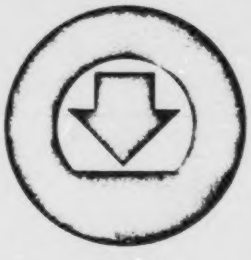

No entry

Look at the signs on this page. Which ones remind us of rules which we should follow?

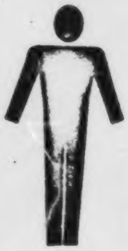

left

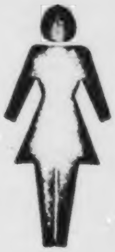

right


up


down

What signs do you have in your school to remind you about RULES? If you forget, who reminds you about RULES?





NAME______________________________ TEACHER______________________

SCHOOL____________________________ DATE_________________________

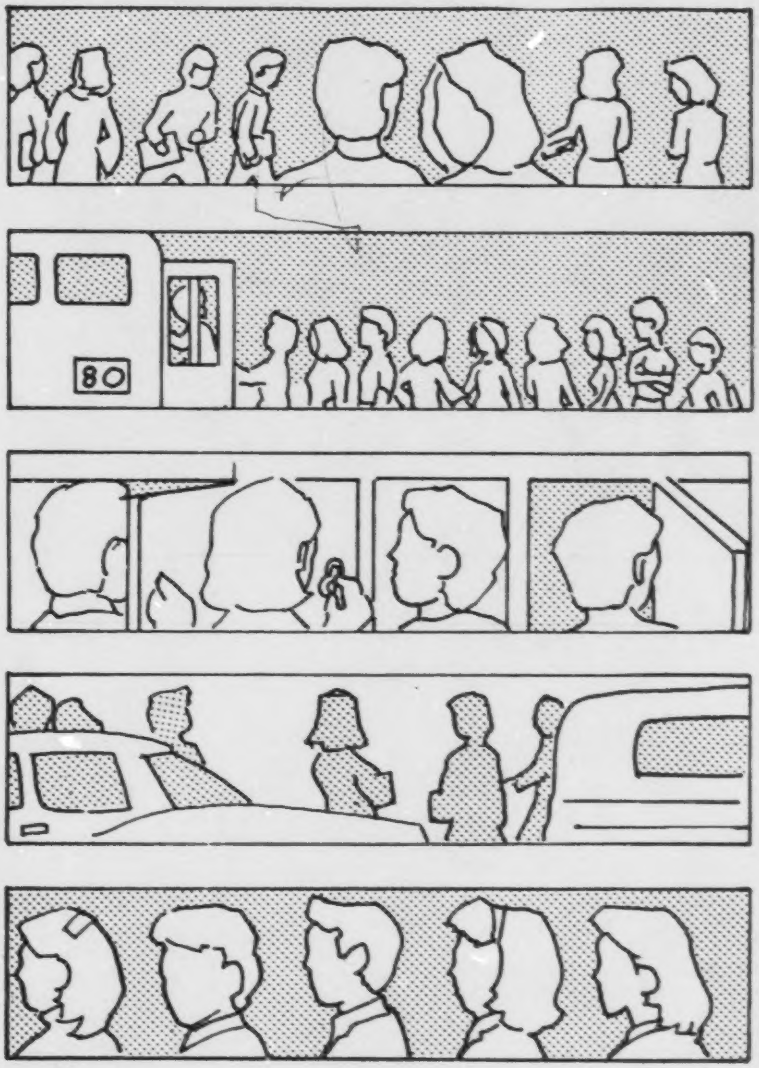
RULES IN THE HALLS

Here is a picture which deals with school traffic.

- **What is happening in the picture?**
- **Have you ever been in a similar situation out of school? Where?**

Now look at your school's traffic and think about these questions:

- **What are some rules related to student traffic in school and in your classroom?**
- **Why are classroom and school rules made concerning student traffic?**



TELL WHAT CAN HAPPEN IF CHILDREN IN THE HALLS DO NOT FOLLOW THE RULES.

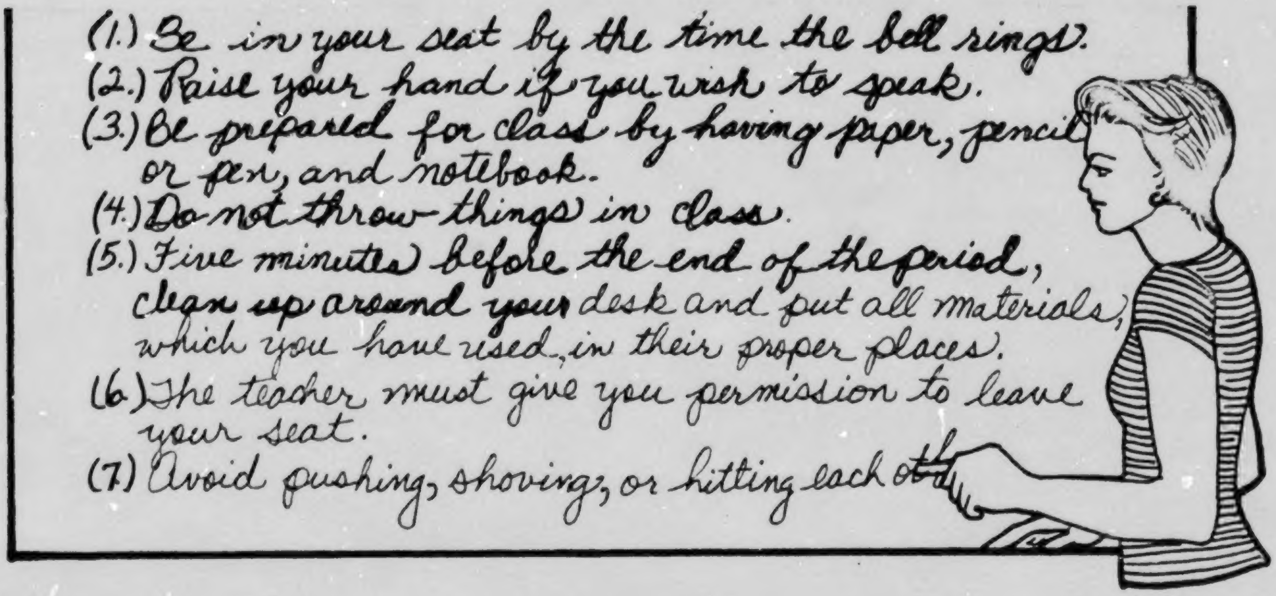
NAME______________________ TEACHER______________________

SCHOOL______________________ DATE______________________

CLASSROOM RULES

Just as we have rules in the halls, we have rules in the classroom. Why do we have rules in your classroom?

Read the following rules, with your teacher. Are these good classroom rules? Are they like the rules in your classroom?



(1.) Be in your seat by the time the bell rings.
(2.) Raise your hand if you wish to speak.
(3.) Be prepared for class by having paper, pencil or pen, and notebook.
(4.) Do not throw things in class.
(5.) Five minutes before the end of the period, clean up around your desk and put all materials, which you have used, in their proper places.
(6.) The teacher must give you permission to leave your seat.
(7) Avoid pushing, shoving, or hitting each oth

Ask your teacher to remind you about the rules in your classroom. Can you write these rules down on the back of this paper? Then, talk about the reasons why we have each of the rules.

> **"Classroom rules are usually needed to make sure that other students' rights are not interfered with, in particular, their right to an education, and to keep disruptions at a minimum. As the teacher, I usually make the decision, but only after I ask the students for suggestions."**

NAME________________________ __________TEACHER__________________

SCHOOL____DATE__________________

Bicycle Safety Rules Game

This game may be placed in a file folder and laminated, or it may be duplicated for each child.

Children must first read the list of rules. Words are found in the rules.

Answers are as follows:

1. Brakes
2. Traffic
3. Crossing
4. Safety
5. Reflector
6. Bicycle
7. Pedestrians
8. Inspect
9. Hand
10. Single File
11. Ride
12. Light
13. Obey
14. Race
15. Rules
16. Handlebars
17. ~~Intersection~~
18. Signals

Bicycle Safety Rules

1. Obey all traffic signs and signals.
2. Give pedestrians the right of way.
3. Ride with the traffic.
4. Use proper hand signals.
5. Walk bike when crossing busy intersections.
6. Ride in single file.
7. Inspect bike before each ride.
8. Have good brakes.
9. Don't race in traffic.
10. Keep at least one hand on the handlebars.
11. Have a reflector on the back.
12. Wear light colored clothing at night.
13. Have a light on the front.
14. Don't tow anyone.
15. Never hitch a ride on a car.
16. Keep your bicycle locked when not in use.

NAME ____________________ TEACHER ____________________

SCHOOL ____________________ DATE ____________________

RULES IN YOUR SCHOOL

Just as your classroom has rules, there are rules in your school. Some of the rules look like these on PRIVATE PROPERTY:

> We Respect Private Property
> By Obeying the following
> Rules:
>
> 1. No one searches another student's desk.
> 2. Purses, lunch boxes, and bookbags are personal and private.
> 3. Items may be borrowed only if the borrower asks permission of the owner.
> 4. The teacher's desk, files, and record books are for her use only.

Imagine that one day ANN has her lunch money stolen. She did not lose her money. Another student took it....but no one knows who took the lunch money.

Someone did not respect ANN's PRIVATE PROPERTY.

How are each of the following hurt by this stealing?

1. ANN?
2. ANN's Mother and father?
3. The person who took the money?
4. The TEACHER?
5. the PRINCIPAL?
6. The WHOLE CLASS?
7. EVERY ONE IN YOUR SCHOOL?

Ask your teacher to get copies of the School Student Handbook for each student. Learn the school RULES by discussing each one!

NAME____________________ TEACHER____________________

SCHOOL____________________ DATE____________________

THE BIG D: DISCIPLINE

How do we see that students follow the RULES in your classroom,... and in your school? We hope that everyone knows the rules and follows them. BUT what happens when the rules are broken?

Ask your teacher to tell you what this word means: DISCIPLINE.

Read the following situations. In each a rule has been broken! If you were a teacher, what would you do?

Case 1. Carlos never brings pencil and paper to class. He never does his homework, and often he cannot find his textbooks.

Case 2. Phyllis loves sweets. She keeps candy and gum in her purse and eats in class all day. Her teacher has warned her many times not to chew in class.

Case 3. Mary is often late for school. Her mother leaves for work at 7:00 A.M., and Mary must prepare for school by herself. She lives one block from the school. Mary is 10 years old.

Case 4. Sherman writes on his desk and in his textbooks. He wrote the times tables on his desk with a black marker. He also wrote answers in his math book on several pages. Today he tore a page in the encyclopedia.

Case 5. Jason took scissors from the teacher's desk and cut Patsy's hair. Patsy was very upset. This was the first time Jason had ever been in trouble in the classroom.

NAME______________________________TEACHER_________________________

SCHOOL____________________________DATE____________________________

REWARDS....AND....PUNISHMENTS

Harry is always a fine boy. He follows the rules in the classroom and in the school. He gets REWARDS for following the rules. WHAT KIND OF REWARDS TO YOU THINK HARRY GETS?

From his Teacher?

From his Parents?

From his Principal?

Sam is not always such a good boy. Sam often breaks rules in Mrs. Henry's classroom and in the school. Because he breaks rules, Sam often gets punished! WHAT KIND OF PUNISHMENTS DO YOU THINK SAM GETS?

From his Teacher, Mrs. Henry?

From his Parents?

From his Principal?

What is the difference between a REWARD and a PUNISHMENT?

How do REWARDS and PUNISHMENTS HELP US TO LEARN THE RULES...and to follow the rules?

NAME________________________________ TEACHER________________________

SCHOOL______________________________ DATE__________________________

RESPONSIBILITY

Ask your teacher to tell you the meaning of the word: RESPONSIBILITY.

Think about how you can help your teacher and other children in these stories:

1. Mary is always pushing people. She really likes to push Carl around. She always does this when the teacher is not looking.

2. Zelda chews gum in school. When the taste is gone, she puts the gum under the table top. Other students who use that desk get gum on their clothes!

3. Sam tells the little boys that if they don't "lend" him paper, he will hit them after school. Sam has really hit some boys, too.

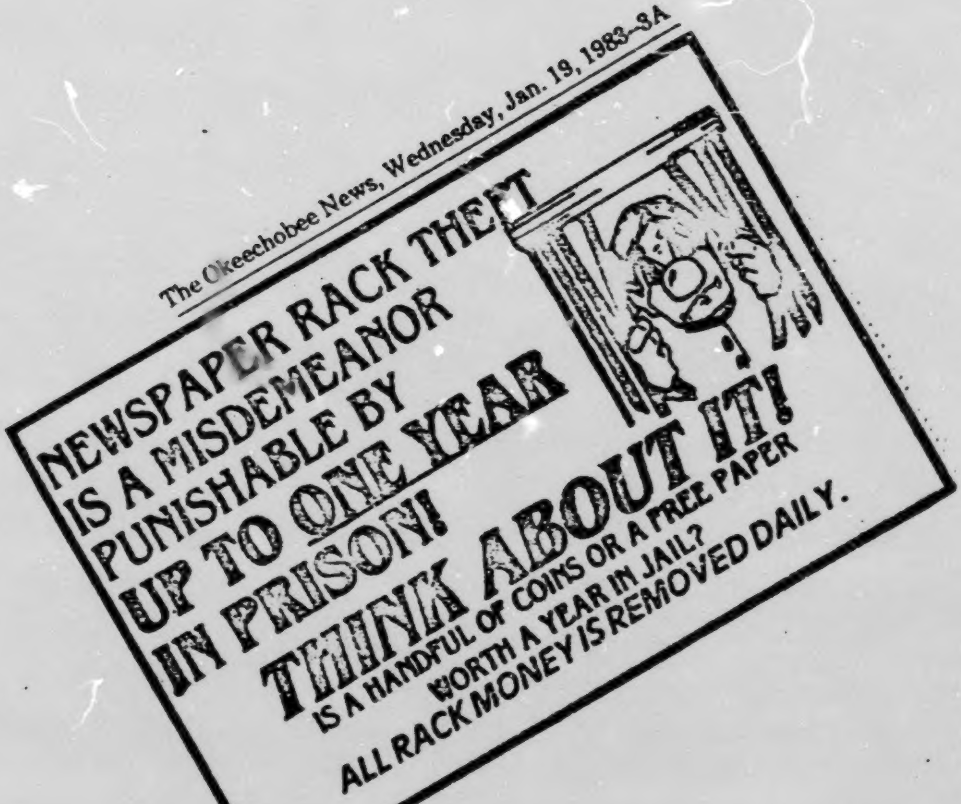
4. Gene took some money out of Sally's desk when the class was going outside for recess. You are the only one who saw him do it. You know that Sally's money was to pay for her lunch.

5. When the teacher stepped out of the room to talk to Mr. Jones, the Principal, Clark threw an eraser and hit Charlie in the eye. Charlie is in pain and crying as your teacher returns to the room.

If the students who broke the rules do not stop, what will they continue to do? Get your teacher to discuss the CONSEQUENCES of these actions with your class.

1. Why should students tell what happened in each of these stories?
2. Would you tell? Why?
3. By telling, how do you HELP the person who was breaking the rules?

LAW EDUCATION LESSONS
FOR UPPER ELEMENTARY
STUDENTS.............



The Okeechobee News, Wednesday, Jan. 19, 1983–3A

NEWSPAPER RACK THEFT
IS A MISDEMEANOR
PUNISHABLE BY
UP TO ONE YEAR
IN PRISON!

THINK ABOUT IT!

IS A HANDFUL OF COINS OR A FREE PAPER
WORTH A YEAR IN JAIL?
ALL RACK MONEY IS REMOVED DAILY.

THREE LESSON MINI-UNIT

GOALS:

1. Responsibility to the Community
2. Rules of the Community
3. Consequences of Breaking Community Rules

I. RESPONSIBILITY TO THE COMMUNITY

A. Introductory Speaker-member of local law enforcement team...topics to be included in presentation:

- i.) carrying out the rules of the community
- ii.) procedure to follow when witness to a crime
- iii.) children's observations can be very important

B. Lesson Plan #1

II RULES OF THE COMMUNITY

A. Lesson Plan #2

B. Community Speaker-local judge...topics to be included in presentation:

- i.) overview of judge's responsibilities and duties
- ii.) typical penalties/sentences for juvenile first offenders
- iii.) incidence of repeaters of their first offense

III CONSEQUENCES OF BREAKING RULES

A. Lesson Plan #3

B. Lesson Plan #4

C. Community Speaker-representative of Eckerd Development Center...Topics to be included in presentation:

- i.) description of procedure at boy's school
- ii.) what happens after boy's school

LESSON PLAN #1

Objective: the **learner** will be able to objectively and accurately describe a given crime.

Activities:

1. Find newspaper accounts of crimes. Have students read articles and find the who, what, when, and where of each one.
2. Arrange for role-playing of crimes, wait 10 minutes, see who can accurately describe what happeneed.

Questions:

1. You see a member of your family committing a crime. What would you do?
2. You see a crime in progress. You decide to report it. What do you tell the law enforcement person?
3. You see a blue car hit a child on a bicycle. A neighbor says it was brown. What else can you look for on a car to be more accurate?
4. You and some of your friends are riding bikes and decide to ride around the school yard. Getting off your bike to get a drink, you notice a back door has been left open. Your friend knows where the P.E. teacher keeps the footballs. Assuring you that one or two balls won't **be** missed, and "schools can afford to buy more anyway," what will you do?
5. You see a junior high boy knock over the elderly lady next door and take her purse. What can you do to show you are a responsible member of your community?

LESSON PLAN #2

Objective: The student will become familiar with and know the definitions of the following seven crimes--robbery, burglary, assault and battery, arson, vandalism, truancy, and animal cruelty.

Questions:

1. You usually walk to school, but half-way there one day, you decide you really don't want to go to school. You play around the neighborhood all day, making sure to arrive home about the same time your bus usually does. What crime are you guilty of?
2. Your brother tells you about the time he and his friends threw eggs at houses on Halloween. What crime did they commit?
3. Tom, the cat, threatens to hurt Jerry, the mouse, if be tries to get one more piece of cheese. Of course, Jerry tries and Tom hurts him. What crime is Tom guilty of?
4. Peter likes to throw lighted matches into the deserted house down the street. One night, one of the matches hits a pile of old newspapers in the house and the house burns down. What crime did Peter commit?
5. Allen enters the department store after everyone has gone and takes a TV. What crime has he committed?
6. Ellen stops the elevator between floors and holds a gun on those riding it. She demands and receives all their money. What is she guilty of?
7. The house on the corner has a shaggy pony. The owner works long hours and leaves the pony tied to the tree, often without enough food and water. The man leaves for the weekend and neglects to get someone to care for his pony. What crime has been committed?

Activities:

1. Draw pictures of crimes.

2. Bulletin Board - newspaper accounts of these crimes.

3. Use letters cut from newspapers or magazines for practice in spelling names of crimes.

4. CARD GAMES - crimes written on cards, group practice in identifying type of crime.

LESSON PLAN #3

Objective: The student will realize that crime can and does affect more people than the immediate victim.

Introductory Discussion:

> Jane's dad gives her money to buy a birthday present for Mom. Her aunt is picking her up from school to take her shopping for it, so Jane takes the money to school with her. She doesn't want to lose the money at recess, so she leaves it in her desk. At the end of the day, she finds her money is no longer there. How many people can you name who are affected by Jane's stolen money?

Activities:

1. Using newspaper accounts of crime, list everyone that is affected by it.
2. Role play a crime. Ask how the victim felt. Ask how others affected felt.
3. Class discussion--personal experiences--discuss who was affected.

LESSON PLAN #4

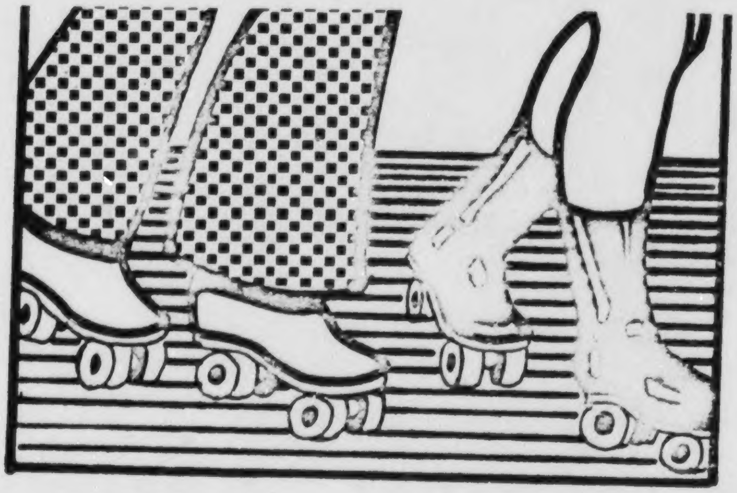
Objective: The learner will be aware that "simple" crimes can lead to more serious crimes, and the more serious the crime, the more serious the cnsequences.

Introduction. Relate the following story:

> In first grade, Doug was a well-behaved, intelligent child. He did exactly as he was told. He was so quiet, people seldom noticed he was there. One day Doug found a toy in the game cabinet that he especially liked. He decided to take it home with him. As the year went on, Doug found more things he liked and took them home. The teacher never said much except that she was missing something and would whoever took it, please return it. As his elementary school years went by, Doug continued to take the things he wanted. Oh, he got caught now and then. A trip to the office or a scolding from the teacher; these were the only consequences. At age 11, he started picking up things from stores. At age 12, he got caught. Doug is now old enough to be sent to the Boy's School.

Questions:

1. How could we have prevented Doug's crime from becoming so serious?
2. How would you penalize Doug?
3. Why should we care what Doug does?



YOU AND THE LAW

Lesson 1

Purpose: This lesson is based upon "The Consequences of Crime" by Kelly and Wantz. It is designed to introduce to third graders the reasons for laws and their consequences by comparing the "game of life" to conduct in sports.

Materials: "Consequences of Crime" student text, posters, drawings, etc., of sports events illustrating team effort, sportsmanship, penalties; also pictures of persons committing crimes, being arrested and incarcerated, etc.

Procedure: Read selected passages from "Consequences of Crime," pp. 1-4 (see attached). Discuss important points and vocabulary as you go along. Follow-up questions such as these should be used to foster discussion and reinforce basic concepts.

1. Who are the members of your team in the game of life? (family, friends, etc.)
2. Who are your coaches in the game of life? (parents, teachers, pastors, Sunday School teachers, etc.)
3. Who are the referees in the game of life? (the law enforcement officer and the judge)
4. How is the police officer like the referee in a game? (sees people breaking the rules and stops them, takes them to jail)
5. How is the judge like a referee? (sets the penalties for breaking the rules)
6. Why do you think the judge is the person to set the penalties instead of the police officer? (officer could make a mistake, the judge is able to take the time to listen to all sides of the problem before setting the penalty)
7. How would the members of your team be hurt if you broke one of society's rules? (embarassment, may have to pay fines, spend time away from a loved one)
8. If a rule or a law is unfair, should you disobey it? Why or why not? (no; it is still the law, if you don't like a law you should work to have it changed)
9. How is breaking a law like cheating in sportts? (you get what you want unfairly and by hurting others)
10. Would you be happier if you won a game by cheating or if you lost, knowing that you played by the rules? Why?
11. How do you become a winner in the game of life? (by following the rules) What is your reward for winning? (happiness, freedom, feeling good about yourself, having others think good things about you)
12. What may happen if you break the rules in the game of life? (may be arrested, go to jail, pay a fine, have your name in the newspaper, go to court, etc.) How would you feel if those things happened to you? (hurt, embarassed, sad, miserable, etc.)

TEACHER ____________________

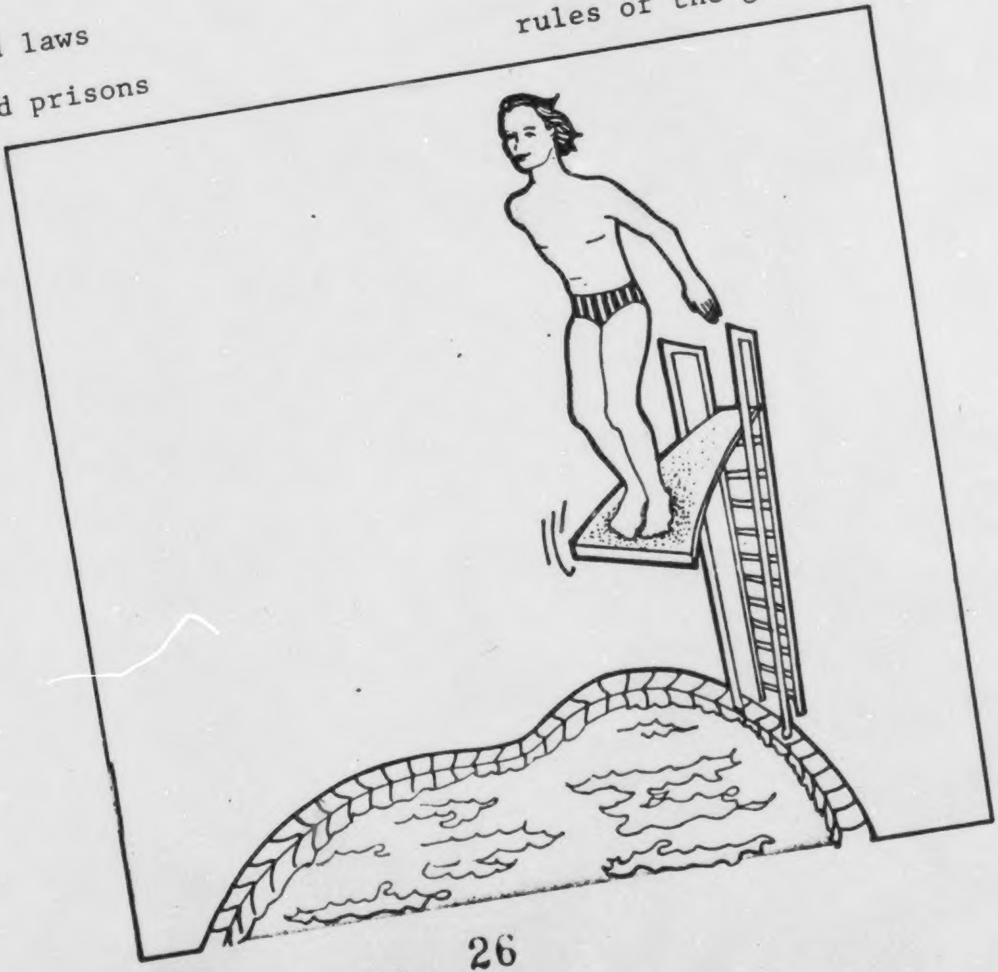
NAME ____________________ DATE ____________________

SCHOOL ____________________

Directions:

Match the following people or things in sports with people and things in the game of life.

Game of life	Sports
police officers and judges	other players
parents and teachers	penalty boxes
friends	coaches
rules and laws	referees
jails and prisons	rules of the game



CHAPTER 1*

RULES OF THE GAME

To win in sports, you have to play by the rules. You have to do the same to win in the game of life. Every team sport you watch on television has rules. Basketball, baseball, football, ice hockey, are all played by rules.

Rules in sports give both sides an equal chance to win. Rules tell players and fans how the game should be played. You know what happens to those who break the rules. They are penalized. Rather, their teams are. That hurts.

It doesn't matter that the team member didn't mean to break one of the rules. He's supposed to know the rules. His coaches expect him to. So do his teammates.

The game of life is a lot like team sports. It has rules. Many of them. People call them "laws."

Living is a team effort. Members of your team are you, your family and your friends.

Your team wins if you and all members of your team remain free and happy.

Rules Promote Equal Opportunity

Society - meaning people who are in the game of life with you - makes rules. Those rules describe what all teams are allowed to do. Rules also tell what teams cannot do.

Society's rules are meant to give everybody in the game of life an equal chance to win freedom and happiness. Rules also keep cheaters from winning.

Society sets up penalties for those who refuse to play according to its rules. That's only fair. It's not right for a few to get away with breaking the rules. Especially if by breaking the rules, their team wins and yours loses.

A good sport plays by the rules. A good citizen obeys the laws.

Rules keep teams from fighting with one another. Rules allow teams to concentrate on the game.

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*Reprinted from Clifton M. Kelly and Sherman P. Wantz, The Consequences of Crime, (Youth Educational Services, Inc. Clermont, FL 1981) pp. 4 - 7.

Rules are necessary. They tell us what's right and what's wrong. They tell what's allowed and what's not allowed. Think what might happen if society had made no rules for airplane pilots to follow. Suppose pilots could park their planes anywhere on the field or on the runway. Suppose they were allowed to take off in any direction, to taxi wherever they wanted or to fly as low as they wanted.

What about automobile drivers? What might happen if society allowed drivers to drive on either side of the road or to stop or turn without giving warning signals? Suppose drivers were permitted to run through red signal lights and stop signs or to drive as fast or as slow as they wanted?

Without laws, everyone would be confused. Remember, you have your best chance to win happiness when you are at peace with yourself and with your neighbors. That's one reason why people developed laws to play by and to live by.

The basic rules of conduct that we see today are as old as mankind. Everyone appeared to know the meaning of playing fair. True, not everyone practiced it. Inside, though, they knew what being fair meant.

As time passed, people began to move closer to one another. First, they collected in villages. Then they formed towns and cities. The more they came together in one place, the more rules they seemed to need.

As time went on, people made so many rules they couldn't remember them all. That's when they began to write their rules. As times and conditions changed, they had to rewrite them.

Rules and Penalties

The enforcement of rules and laws must be orderly, too. A person is not likely to obey a rule that doesn't penalize him for not obeying it. A penalty is the consequence (result) suffered by the team whose member is caught breaking a rule.

If a football player is caught punching an opponent, his team is penalized 15 yards. According to the rules, that's unsportsmanlike conduct. Who gets hurt? The rulebreaker's team is hurt.

Breaking society's laws is much more important than breaking sporting rules. Therefore, in the game of life, the job of watching for acts of lawbreaking is separated from the job of setting penalties.

Law enforcement officers, such as sheriffs and police are like referees.

You and the Law

Purpose: For third grade children to see the possibly life-long consequences of breaking the law, including a criminal record, and to realize how many people are hurt when a crime is committed (the six victims of crime). Children should also be made aware of the importance of reporting any crime that they witness to the proper authorities.

Materials: "Consequences of Crime" student text, poster listing the six victims of crime, fictional account of a shoplifting incident involving an 8 year old (see attached).

Procedure: Read selected passages from the "Consequences of Crime," pp. 4-7 (see attached). Discuss important points as you go along. Make sure the children understand the importance of law enforcement officers and realize that good citizens report crimes that they see committed. After reading the section about the six victims of crime, read the paragraph about "Shari the Shoplifter." Discuss who the six victims of crime were in this case and how each one was hurt. Use the poster to help guide the discussion.

Follow-up questions such as these should be used to foster discussion and reinforce concepts.

1. Why should you try not to have a record with the police? (other people may not trust you, you could have trouble getting a job, you will feel bad about yourself, etc.)
2. Do judges enjoy punishing people who have made a mistake by breaking a law? Who do they do it? (no; to keep the person from breaking the law again, to protect society)
3. What happens when a judge has seen the same person commit crimes again and again? (he gives harsher penalties each time)
4. Should we tell law enforcement officers when we see someone breaking a law? (Why? (yes; so the lawbreaker will not hurt someone else)
5. Who is hurt when a person on a team in sports cheats and breaks the rules? (the team, the fans, the player, his family, etc.)
6. Who is hurt when someone breaks society's laws? (the victim, the victim's family and friends, the lawbreaker, the lawbreaker's family and friends, all taxpayers, everyone in society.
7. Why should you learn as much as you can about the laws we live by? (so we will not break a law unknowingly, so we will not hurt others by our actions)
8. Who can be a hero in the game of life? How? (anyone, by obeying the laws, by reporting any crimes we see, by helping others, etc.)

NAME______________________________ TEACHER________________________

SCHOOL______________________________ DATE________________________

Shari the Shoplifter

Shari is an eight year old student at Midtown Elementary. She like to stop by the Shop and Run convenience store on her way home from school to buy a candy bar and soda to enjoy on her way home. One day, when she got to the store, she realized that she had only enough money to buy the soda. She was very hungry because she hadn't eaten much lunch that day. So Shari slipped a candy bar into her bookbag before she went to pay for her soda. The clerk had seen what she had done. He made her put the candy bar on the counter. He then called both the police and Shari's parents.

Who are the six victims of crime in this story and how were they hurt?

1. the victim - the storeowner and the clerk
2. the victim's family and friends - sad to think that an eight year old child would steal
3. the lawbreaker - Shari was embarrassed and probably punished
4. the lawbreaker's family and friends - embarrassed, hurt, disappointed
5. all taxpayers - pay tax money for police, judges, jails, etc.
6. everyone - we all pay higher prices to cover the cost of stolen items.

A Bad Record Hurts

Sports referees don't forgive a rulebreaker easily. If they see--or think they see--a rule being broken, they stop the game. They penalize the rulebreaker's team right away.

In sports, the rulebreaker can hurt himself as much as he hurts his teammates. If he doesn't stop breaking rules, members of his own team might call him a "hothead" or a "dirty" player. They might turn against him. His coach might not want him on the team no matter how good he is. Why? Because he can't be trusted to play fairly.

Law enforcement officers and courts write down and keep lawbreakers' records.

When a lawbreaker is arrested for second, third or fourth time and goes into a courtroom, the judge sees the record. The judge considers that record when he or she announces the penalty that will have to be paid by the lawbreaker. Penalties get tougher and tougher. Each time a judge has to penalize someone for breaking a law, he or she hopes that the lawbreaker will learn that society's laws are meant to be obeyed.

Judges have feelings, too. They don't enjoy hurting good people, such as those who make one mistake. They might even forgive those who foolishly allow so-called "friends" to talk them into breaking a law. Judges are sometimes allowed to do that. But the arrest goes into the public record. Later, that bad mark on the lawbreaker's record might keep him or her from getting an important job--one that he or she really wants.

Rules Must Be Enforced

Referees, umpires and sports judges always watch for rulebreakers and penalize them. Yet, we hear players, coaches and fans say that many of these officials are "excellent."

Why? Because they understand that officials have a job to do. They have to see that the game is played fairly. They can't allow anyone to win by cheating. For that reason, nobody ever says that team sports would be better off without officials.

In many games, players, coaches and fans even help referees to catch rulebreakers. They tell referees to watch certain players who are breaking a rule. They help officials see to it that all players obey the rules.

*Reprinted from Clifton M. Kelly and Sherman P. Wantz, The Consequences (Youth Educational Services, Inc., Clermont, FL. 1981) pp. 4-7.

Law enforcement officers are like referees. They watch for those members of society who cheat and break laws. They protect us from those who take advantage of us, disturb our peace, make us unhappy, or make us fearful.

We tell referees about those who break sports rules. Why shouldn't we tell law enforcement officers if we see someone breaking our laws? We should.

Who Suffers?

In sports, rulebreakers very often cause the teams they represent to lose important games.

When that happens, the team member who cheated suffers from shame and regret after realizing that his or her carelessness kept the team from winning.

The members of the team who have played the game fairly suffer, particularly when the lost game has robbed them of a conference championship or from some other form of recognition or reward.

Members and supporters of the team's school suffer disappointment. They aren't as proud of the team or of their school as they would like to be. They don't have much to cheer about and are slow to forgive the cheater they blame for losing the game.

When someone breaks society's laws, the suffering that results is far more important than the loss of a game.

Lawbreakers who commit crimes injure many innocent people, some of whom are those they love and who love them.

These are the people who suffer when laws are broken:

1. The victim--the person who was frightened, was hurt or, in some other way, was injured by the lawbreaker.
2. The victim's family and friends who suffer by feeling sad and helpless when the one they love is injured in any way.
3. The lawbreaker himself or herself who suffers by being arrested, taken to court, fined and sent to jail or prison.
4. The lawbreaker's family and friends who suffer by feeling sad to see the one they love begin a life of crime and sorrow.
5. All taxpayers who suffer by having to pay large amounts of money to support police, judges, prosecuting attorneys, juries, jails, prisons and guards, to protect them from lawbreakers.
6. Everyone in the community (society) who is afraid to visit a park, walk on certain streets, and leave his or her home at night.

Laws Help

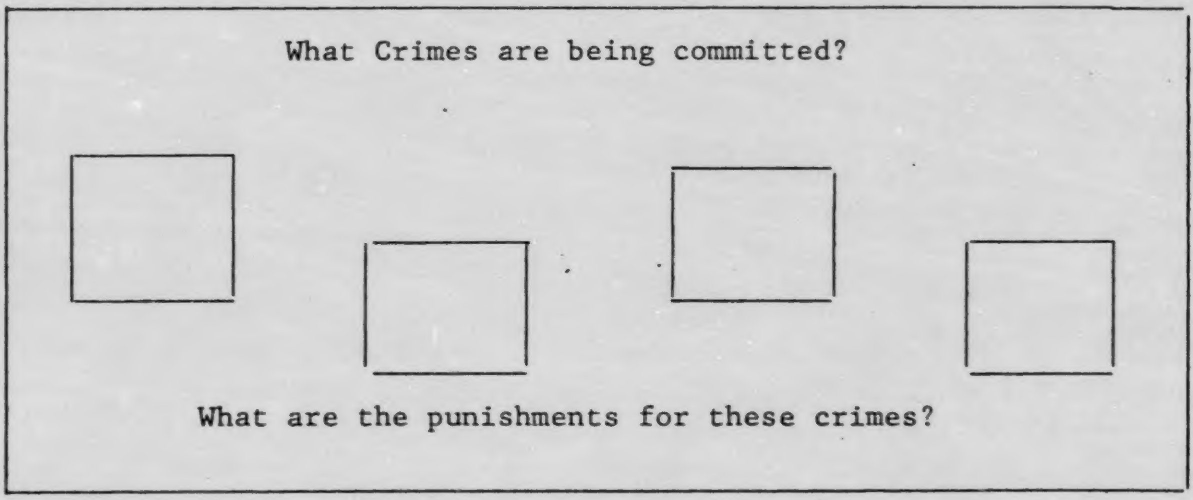
OBJECTIVES:

1. to teach basic law terms
2. to teach students to think of the consequences of crime
3. to teach students to think of our judicial system as helpful instead of "the enemy."

MATERIALS:

1. pictures for bulletin board
2. "Florida Criminal Law" :A Handbook for Peace Officers (for reference)
3. worksheet with vocabulary words
4. worksheet with case study and the law that was broken on it
5. newspaper to cut up

BULLETIN BOARD


What Crimes are being committed?
What are the punishments for these crimes?

Set up lessons with questions about the bulletin board.

Class discussion:

Vocabulary Words

1. Law
2. Crime
3. Jury
4. Justice
5. Misdemeanor
6. Verdict
7. Torments
8. Sustenance
9. Mutilates
10. Inhuman

Assign each word to a student to look up in the dictionary. Discuss words and meanings. Write definition in students' words on board.

1. Why do we have rules or laws?

2. When a law is broken, who is hurt?

TEACHER:

Let's follow a young person who breaks a law to find out what happens.

> Mike Smith is an 11 year-old 4th grader. Mike does not like cats. His neighbor has this cat that never bothers anybody because it sleeps all day. Mike sees the neighbor is gone and decides to tease the cat. Mike took the teasing too far and causes the cat to drown. His neighbor arrived hime in time to see Mike drop the cat and run.

1. What law was broken?

2. What exactly does that law state? 828.12

3. What should the neighbor do?

4. What evidence is there against Mike?

5. Who are the people who have suffered?

    1. neighbor's cat - died
    2. neighbor suffers loss of cat
    3. lawbreaker himself by being arrested, taken to court, fined and sent to detention center
    4. lawbreaker's family and friends by feeling sad
    5. all taxpayers who support police, judges, prosecuting attorneys, juries, jails, prisons and guards .

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6. Open the floor for any questions concerning this incident or the court systems

Follow-up or extra activities:

1. Students can bring in crime related clippings from newspapers. These can be read and discussed. The same questions can be asked as above.

2. Bring in a speaker such as:

    1. a lawyer
    2. a peace officer
    3. a judge
    4. a prison official

3. Take a trip to the jail.

828.12 Cruelty to animals.—Whoever unnecessarily overloads, overdrives, tortures, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhuman manner, shall be guilty of a misdemeanor of the first degree.

Possible punishment: by a definite term of imprisonment not exceeding one year, $1,000.00 fine.

NAME________________________________TEACHER________________

SCHOOL______________________________DATE___________________

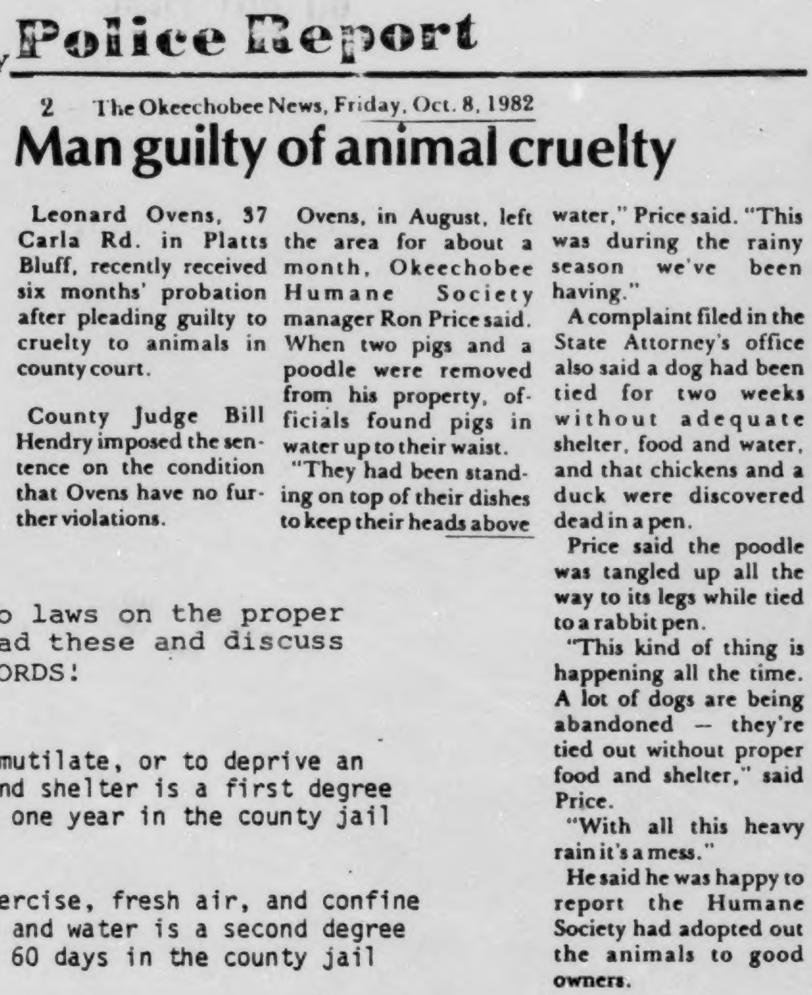
LAWS ABOUT ANIMALS

Read this newspaper story with your teacher.

What happened?

How were animals treated?

How do you feel about what happened?



Police Report

2 The Okeechobee News, Friday, Oct. 8, 1982

Man guilty of animal cruelty

Leonard Ovens, 37 Carla Rd. in Platts Bluff, recently received six months' probation after pleading guilty to cruelty to animals in county court.

County Judge Bill Hendry imposed the sentence on the condition that Ovens have no further violations.

Ovens, in August, left the area for about a month, Okeechobee Humane Society manager Ron Price said. When two pigs and a poodle were removed from his property, officials found pigs in water up to their waist.

"They had been standing on top of their dishes to keep their heads above water," Price said. "This was during the rainy season we've been having."

A complaint filed in the State Attorney's office also said a dog had been tied for two weeks without adequate shelter, food and water, and that chickens and a duck were discovered dead in a pen.

Price said the poodle was tangled up all the way to its legs while tied to a rabbit pen.

"This kind of thing is happening all the time. A lot of dogs are being abandoned — they're tied out without proper food and shelter," said Price.

"With all this heavy rain it's a mess."

He said he was happy to report the Humane Society had adopted out the animals to good owners.

In Florida, there are two laws on the proper treatment of animals. Read these and discuss the meaning of the BIG WORDS!

1. To beat, kill, overdrive, mutilate, or to deprive an animal of necessary food and shelter is a first degree misdemeanor, punishable by one year in the county jail and/or a $1,000.00 fine.
2. To deprive an animal of exercise, fresh air, and confine him without wholesome food and water is a second degree misdemeanor, punishable by 60 days in the county jail and/or a $500.00 fine.

Rule Book

1. General Objectives:

   A) The student will help make class rules and punishments
   B) The student will live by the rules he helps make
   C) The student will learn the process of changing rules

2. Activity:

   The teacher will guide the class in deciding the rules with which to run the class and the consequences of not following those rules. The rules will be posted.

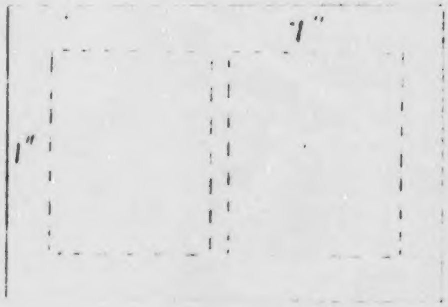
3. Each student will make a personal copy of the rules for reference. See attached sheet for directions.

4. As the need for changing a rule arises, the class may change by majority vote. Debates for and against changing may be presented. **It must be stressed that even those who do not agree with the rules, must live by them until the majority agrees for it to be changed.

MAKING A BOOK

Materials needed:

2 pieces of heavy cardboard



1 piece of fabric
(allow 1" on all sides)

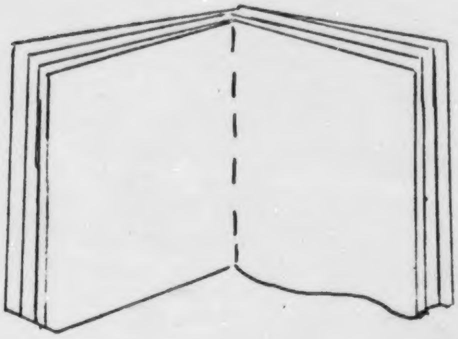
4 pieces of white construction paper (slightly smaller than the 2 cardboards laid together)

Button thread

*2 pieces of dry-mount (one slightly smaller than the fabric and one slightly smaller than the white construction paper pages) or rubber cement.

Procedure:

1.



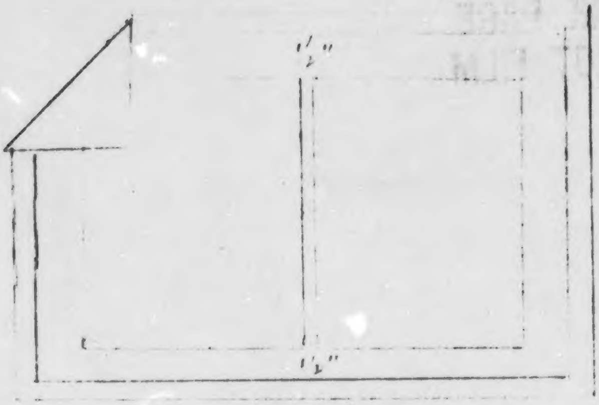
Fold 4 sheets of white construction paper in half.

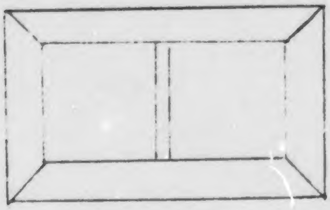
Sew together with button thread on the fold.

COVER

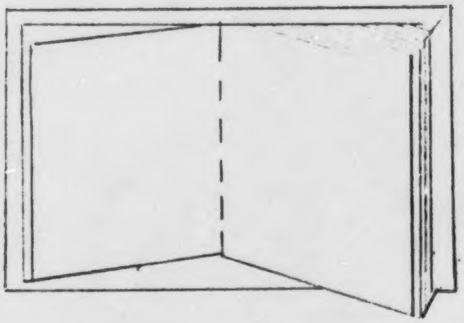
*Lay drymount on the fabric, then carboard pieces. Leave about 1/2" space between the cardboard pieces.

Fold corners down, as illustrated, and press with a warm iron. Next fold the four sides over and press onto cardboard. Turn and press on the other side.





After pressing



*Place another sheet of drymount between cover and first and last page. Press.

Fold to make a book.

*Rubber cement can be used instead of drymount paper.

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VANDALISM

1. General Objective:

The student will recognize consequences of vandalism

2. Materials:

Two pictures, one a building with no defacement and one with graffiti on it.

3. Activity:

Ask students to observe and state the differences and likeness of the two buildings.

4. Probing Questions:

a) Why would someone have done this?
b) How does the defaced building look?
c) What do you think should happen to someone who does that?
d) What would you do to them?
e) State what the law says will happen to someone?

Teacher shall read and explain Florida Statute 806.13.

806.13 Criminal mischief.—

(1) A person commits the offense of criminal mischief if he willfully and maliciously injures or damages by any means any real or personal property belonging to another.

(2)(a) If the damage to such property is $200 or less, it is a misdemeanor of the second degree.

(b) If the damage to such property is greater than $200 but less than $1,000, it is a misdemeanor of the first degree.

(c) If the damage is $1,000 or greater, or if there is interruption or impairment of a business operation or public communication, transportation, supply of water, gas or power, or other public service which costs $1,000 or more in labor and supplies to restore, it is a felony of the third degree.

EVALUATION:

The student will give four reasons not to vandalize a building.

VOCABULARY:

vandal, vandlism, graffiti, deface

The Wolf's Scheme

1. General Objective:

   The **student** will investigate broken rules in the book "Little Red Riding Hood."

2. Activity:

   The teacher will read the book "Little Red Riding Hood."

3. Comprehension Questions:

   a) What did Little Red Riding **Hood's** daddy do for a living?
   b) Was she a good girl?
   c) Who was she visiting?
   d) What time is sunset?
   e) What was she not to do?
   f) Did the wicked wolf look mean or was he smiling, kind of friendly?

   g) Did grandmother check to see who was at the door before she told **him to** come **in**?

   h) Did the wolf tell the truth?

4. Probing Questions:

   a) Why should we not talk to strangers?
   b) Is it wrong to pretend we are someone else?
   c) Did the wolf break and etner the house?
   d) Do some friendly people do mean things?
   e) What should you do when you are suspicious of someone?
   f) What do you think happened to the wolf?
   g) Is it alright to hurt someone who hurts you?
   h) Should you tell the police if someone tries to pick you up?
   i) Should we go places alone?
   j) Should we be out at sunset by ourselves? Why? Why not?

EVALUATION:

The student will role play another way to take the goodies to grandmother.

Assault and Battery

1. General Objectives:

    a) The student will learn the difference between "assault" and "battery."

    b) The student will know the penalty for breaking the laws on assault and battery.

2. Initiating Activity:

    a) Give an example of an assault action.
    b) Give an example of a battery action.

3. Teacher Notes:

    a) Read Florida Statutes 784.011 on assault and the possible penalty.
    b) Read Florida Statutes 784.03 and discuss the penalty.
    c) Define assaulty.
    d) Define battery.

4. Activity: Read this story.

    Everyone was always picking on David. Well, David was fed up with the whole group, and he would show them all.

    When the teacher told them to line up for lunch, David kicked Sheryl. He told her he was sorry and the teacher overlooked it.

    At lunch, Jerry would not share his french fries so David shoved his tray into Jerry's stomach. The teacher was watching the other table line up. David told Jerry, "If you tell, I'll punch your eyes out." Jerry cried and was afraid to tell. When the class started back to the room, he stabbed Cecil with a pencil because he wouldn't let him have "heads." David would show them, no one would push him around anymore. Cecil now has lead in his hand from the pencil.

5. Comprehension Questions:

    a) Had David been in trouble before?
    b) Why was David upset?
    c) Did Jerry deserve to be hit?
    d) What did the teacher do?

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6. Probing Questions:

   a) Did David **deserve** to **get** into trouble?
   b) Why? Why not?
   c) If you were the teacher, what would you do?
   d) Did David break any **laws**?
   e) How should he be punished?
   f) What would **you** do if someone hit your friend?
   g) What would a policeman do?
   h) What is the law?
   i) Is the law fair?
   j) Should you never get angry?
   k) How do we show our anger so no one gets hurt?

7. The students will role play other ways to demonstrate anger other than physical violence.

8. Vocabulary:

   assault, battery

784.011 Assault.—
(1) An "assault" is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.
(2) Whoever commits an assault shall be guilty of a misdemeanor of the second degree.

784.03 Battery.—
(1) A person commits battery if he:
(a) Actually and intentionally touches or strikes another person against the will of the other; or
(b) Intentionally causes bodily harm to an individual.
(2) Whoever commits battery shall be guilty of a misdemeanor of the first degree.

SHOPLIFTING

1. General Objective:

The student will be able to state a consequence of shoplifting. (Florida Statutes 812.015)

2. Initiating Activities:

a) Give a definition of retail theft.
b) Give a punishment of retail theft. (up to 60 days in county jail and/or $500 fine)

3. Activity: Read this story.

The movie "E.T." had just played in a small town. The entire class was talking about it. The boys were wearing E.T. shirts and the girls were carrying E.T. dolls.

Richard's father had been sick and not able to work. Richard was a good student and studied hard. He never got into trouble.

One cold afternoon he went shopping with his mom. Richard knew the E.T. shirt cost too much to buy. But he was the only one in his class that didn't have one, and it wasn't really stealing if he just borrowed it for a little while. While no one was looking, he stuffed it inside his jacket.

As he walked outside the store, the store manager took his arm and called the police.

4. Comprehension Questions:

a) Why did Richard want an E.T. shirt?
b) Why had he gone to the store?
c) What do you think should happen to the child who is stealing?
d) Should he be punished? Why? Why not?

5. Probing Questions:

a) Is there anytime when it is all right to steal?
b) What is the appropriate behavior for obtaining something you want?

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6. Teacher Notes:

Teacher will read Florida Law 812.015 and explain.

7. Vocabulary:

theft, appropriate, behavior, shoplifting

812.015 Retail theft; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(a) "Merchandise" means any personal property, capable of manual delivery, displayed, held, or offered for retail sale by a merchant.

(b) "Merchant" means an owner or operator, or the agent, consignee, employee, lessee, or officer of an owner or operator, of any premises or apparatus used for retail purchase or sale of any merchandise.

(c) "Value of merchandise" means the sale price of the merchandise at the time it was stolen or otherwise removed, depriving the owner of his lawful right to ownership and sale of said item.

(d) "Retail theft" means the taking possession of or carrying away of merchandise, altering or removing a label or price tag, transferring merchandise from one container to another, or removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

(e) "Antishoplifting or inventory control device" means a mechanism or other device designed and operated for the purpose of detecting the removal from a mercantile establishment or similar enclosure, or from a protected area within such an enclosure, or specially marked or tagged merchandise.

(2) Upon a second or subsequent conviction for petit theft involving merchandise taken from a merchant, the offender shall be punished

(2)(c), except that the court shall impose a fine of not less than $50 nor more than $1,000. However, in lieu of such fine, the court may require the offender to perform public services designated by the court. In no event shall any such offender be required to perform less than the number of hours of public service necessary to satisfy the fine assessed by the court, as provided by this subsection, at the minimum wage prevailing in the state at the time of sentencing.

(3) A law enforcement officer, a merchant, or a merchant's employee who has probable cause to believe that merchandise has been unlawfully taken by a person and that he can recover it by taking the person into custody may, for the purpose of attempting to effect such recovery or for prosecution, take the person into custody and detain him in a reasonable manner for a reasonable length of time. The activation of an antishoplifting or inventory control device as a result of a person exiting the establishment or a protected area within the establishment shall constitute reasonable cause for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator, provided sufficient notice has been posted to advise the patrons that such a device is being utilized. Each such detention shall be made only in a reasonable manner and only for a reasonable period of time sufficient for any inquiry into the circumstances surrounding the activation of the device. The taking into custody and detention by a law enforcement officer, merchant, or merchant's employee, if done in compliance with all the requirements of this subsection, shall not render such police officer, merchant, or merchant's employee criminally or civilly liable for false arrest, false imprisonment, or unlawful detention. In the event a merchant or a merchant's employee takes the person into custody, a law enforcement officer shall be called to the scene immediately after the person has been taken into custody.

(4) Any peace officer may arrest, either on or off the premises and without warrant, any peson he has probable cause to believe has committed theft of merchandise in retail or wholesale establishments.

(5) A merchant or a merchant's employee who takes a person into custody, as provided in subsection (3), or who causes an arrest, as provided in subsection (4), of a person for theft of merchandise shall not be criminally or civilly liable for false arrest or false imprisonment when the merchant or merchant's employee has probable cause to believe that the person committed theft of merchandise.

(6) An individual who resists the reasonable effort of a peace officer, merchant, or merchant's employee to recover merchandise which the peace officer, merchant, or merchant's employee had probable cause to believe the individual had concealed or removed from its place or display or elsewhere and is subsequently found to be guilty of theft of the subject merchandise shall be guilty of a misdemeanor of the first degree.

SHOPLIFTING

What kind of word is shoplifting? What is the meaning of each? What does the term shoplifting mean to you? Is there a difference between shoplifting and stealing? Examples.

Have you ever been involved in any way with a shoplifting case? Do you know anyone who has ever been involved in a shoplifting case?

> On Thursday afternoon Mrs. White stopped at the Elementary School to pick up her ten year old son. The quiet of the afternoon was soon shattered by the piercing sound of the dismissal bell. Students began pouring from every door. Soon Mrs. White spotted Tim moving toward the car. It had been a rather bad day and Tim was glad it was time to go home. He greeted his mother as he slid onto the seat beside her.
>
> Mrs. White told Tim it was necessary for her to stop at the supermarket to shop since she had been unable to do so earlier in the day. Tim and his mother took a grocery cart and started down the aisle. As they passed the candy section, Tim put a package of 6 candy bars in the cart. Mrs. White did not approve and put the candy back on the shelf. At this point Tim let his mother move on without him. He looked at other candy, but still wanted this particular candy bar. Glancing around and seeing no other shoppers in the aisle, he quickly opened the package, removed one bar of candy, replaced the package on the shelf and left the store. Once outside he ate the candy and proceeded to wait for Mrs. White to finish her shopping and return to the car.

1. Is it really serious since Tim only took one bar?
2. Should he tell his mother?
3. Should he remain silent?
4. Who is the loser? Who pays?
5. Was this premeditated?

Suppose a friend sees Tim take the candy. Should the friend (1) tell Tim what he has seen? (2) report this to the authorities? (a) school authorities (b) law enforcement (c) his parents, (d) Tim's parents (3) tell a group of friends and forget it?

1. What would you do?

2. What do you think about punishment?

One solution - Tim must face the store manager, offer an apology and pay for the candy. Explain terms felony, misdemeanor. Have school security officer come for a session.

Tom and Wayne are sixteen years old and best friends. The boys spend every afternoon in Tom's garage fixing up an old pickup truck which Tom bought with money earned over a period of years mowing laws. The small monthly payments for the balance owed will be paid with money earned from a Saturday job on a ranch about 15 miles from town. Both boys have a job there and Wayne will share with Tom the cost of the gasoline.

The truck needs new spark plugs in order to make the trip to work on Saturday. Tom and Wayne realize by Wednesday that the plugs are a "must" but the problem is no money until Saturday. The two boys decide to take the item from the local automotive shop thus assuring them reliable transportation for work.

1. Do you think this act was justified? Explain.

2. When is shoplifting justified? Ever?

3. How could this situation have been handled with no risk?

4. Was this premeditated?

5. Suppose the shop owner sees the boys take the spark plugs? What action will he take? What would you do?

6. If this is the first offense, probably an apology and work at the shop to pay for the merchandise. If this is not a first offense, the punishment would be much more severe.

C-2 The Orlando Sentinel, Saturday, January 22, 1983 ***

The state

Tallahassee police arrest 6-year-old

FROM SENTINEL SERVICES

TALLAHASSEE — The crime was typical — shoplifting. The suspect, a 6-year-old boy, wasn't.

The loot was a pair of $5.99 football shoes — size 1.

A clerk in the Family Dollar Shoe Store spotted a pint-sized shoplifter walking away with the shoes Tuesday and alerted the store manager, Tallahassee police said.

The manager captured the boy in a variety store across the street.

Police charged the child with delinquency after the store filed a complaint. He was released to his parents.

Police say they believe the boy is the youngest person they've ever arrested.

"If he's not the youngest, then he's the youngest in some time," said a police spokesman. "They don't come along too often — thankfully."

SHOPLIFTING

Have you ever needed something for school or yourself that you and your parents weren't able to afford at that time?

1. What did you do?

2. What would have been some alternatives? (ways of getting what you wanted)

Have you ever known anyone, or perhaps seen someone, who just slipped what they needed into a coat or purse? What is that called besides "stealing?"

ACTIVITY:

Distribute collected newspapers from the past several weeks. Tell the students to search the news articles and see if they can find any situations that could be put in the shoplifting category.

Now, tell the students to listen closely to the case that you are going to read.

Kelly is a fifth grader at Spanish Moss Elementary School. She occasionally "gets in" with the popular crowd, but that seems to happen when she has something to give them. It's then that she feels a part of that group. Otherwise, she is usually left alone with the other "outcasts" of her homeroom.

Her mom and dad are hard-working members of society's middle class; however, money doesn't stretch far enough for Kelly to treat the girls and guys in the class very often. It's many a day that she goes to school without those fancy jeans and clothes that the other kids are wearing.

It's nearing Christmas and Kelly longs to have a present for all of them...just a little something! Maybe that way she would be their friend for a while at least.

That afternoon Kelly happened to go into Eckerd's Drug Store with her mother to pick up a few necessities. She was over looking at the pretty hair barettes and ribbons while her mother did her shopping. Suddenly it occurred to Kelly that this would be a nice gift for the girls. All of a sudden she found herself stuffing a pack of both the barettes and ribbons into her pocketbook and closing it quickly. She felt a hand grasp her shoulder...she jumped and shrieked! She was a bundle of nerves! Locking up, she saw her mother standing there completely astonished at Kelly's behavior. Her mother only wanted to know if she was ready to go! Boy! How do you spell relief? Kelly was more than ready to to go...

Comprehension Questions:

1. Why did she feel she had to do this?
2. Have you ever felt like you were in the same "boat?" Why? What did you do about it?
3. What is the difference between stealing and shoplifting?

Probing Questions:

1. Does the story really stop where I quit reading?
2. What would be some possible conclusions?

   -caught- seen by store clerk - what would happen then?
   -got so far as to give away and then have to go get the gifts back and tell what she's done.
3. Who was Kelly stealing from? Was it really Eckerds? (Make the point that it's from a person)
4. How would you feel if you were Kelly?
5. What would you have done if you had seen Kelly take the barettes and ribbons?
6. Would you have done what she did?
7. What do you think drove her to the point of doing it?
8. Think of the possibility that if Kelly was caught this time, do you suppose it could be the start of a bad habit?
9. Do you think she realized what she was doing at the time?

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SHOPLIFTING

This story begins a few years ago in a small town about the size of Okeechobee. Mr. Jones, the owner of a small clothing store is talking to Maryann, one of his employees. "Maryanne, Maryanne? Did you notice anyone near the rack containing the jackets? Has anyone purchased one in the last half hour?" "No?" What do you think has happened to the jacket?

Louie, a slightly undernourished boy with large brown eyes, glanced back and forth nervously before he placed the bag of candy in his pocket. As he walked through the front door, he heaved a sigh of relief. The next day at school, he happily passed out pieces of chocolate candy to his friends. This was a weekly event in the lives of Louie's friends.

A couple of years later, Louie and a couple of friends walked into Harold's Record Shop on Main Street. Louie "ripped off" (took) a couple of tapes, while his two buddies stood guard. The boys walked through the door with grins from ear to ear. "Hey, Louie, that was real cool." "Oh, that's nothing." "Come on over and see the cassette player and new jacket I ripped off."

Two years have passed and Louie, a tall, handsome young man with beautiful dark hair, huge dark eyes and a smile that would equal Eric Estrada's, is overheard talking on the telephone. "Yea! It'll be easy. No sweat! See you tonight at 10:30. You know where."

A month later Louie is standing in front of a judge. He was caught stealing a car.

When Louie placed the candy in his pocket and walked out the door, was he committing a crime?

1. Do you think his friends encouraged him to steal the candy?
2. If you had seen Louie stealing the candy, would you have said anything to him?
3. Do you think he would have listened to you?
4. What could you have done if he refused to listen?
5. Do you think Louie's friends encouraged him to steal the tapes?
6. If they were true friends, what should they have said or done?
7. Do you think Louie was frightened the first time he took candy?

8. What if Louie had been caught stealing the candy?
9. Was this an example of shoplifting?
10. What if Louie hadn't been caught stealing a car?
11. What might have happened?
12. Do you think Louie will steal again?
13. If so, what do you think will happen to him?
14. Do you think major crimes begin with thefts, such as shoplifting?

COIN-OPERATED VENDING MACHINES

I. General Objectives:

- A. Students will be able to understand the penalties of prohibited acts to a a vending machine.
- B. Students will be able to understand the consequences of breaking the vending machine statute.
- C. Students will be able to create simulated situations of illegal use of a vending machine.
- D. Students will be able to complete follow-up activities.

II. Initiating (Warm-Up) Questions/Activities:

- A. Definition of a statute by teacher
    - 1. Definition of prohibited acts to a vending machine
    - 2. Hand-out with definition of vending machine statute.
- B. Definition of penalties of breaking the vending machine statute.
    - 1. Define misdemeanor
    - 2. Define s. 775.082 and s. 775.083.
    - 3. Hand-out with definitions of 1 and 2.
- C. Discussion by class "why" the vending machine statute exits.
- D. Discussion by class on what would occur without such a statute.

III. Main Case (situation) Calling for a Decision:

- A. Case Study
    - 1. Jimmy and Bill are attending a softball game. They leave the game to go and buy two sodas from the vending machine down at the corner gas station. Once there they realize they do not have enough money to buy two sodas, unable to break into the machine they take a rock and break the glass and dent the machine.

B. Role-Playing

1. Students will act out the above case study.
2. The students will decide the outcome for Jimmy and Bill.

IV. Probing Questions (What if's?):

A. Can you, as a youth, be fined?

B. Who is held resonsible for your actions as a juvenile?

C. Can this crime lead to other offenses?

1. Such as vandalism?
2. Breaking and entering?
3. Theft?
4. Trespassing?

D. What type of punishment by law could the juvenile experience?

1. Up to 60 days in "jail"
2. Up to $500 fine
3. Probation
4. Community work

V. Follow-Up:

A. Materials

1. "Matching" activity with legal terms learned.
2. "Seek and Find" puzzle with legal terms learned.
3. Crossword puzzle with terms learned.

B. Guest Speakers

1. Deputy from the Sheriff's Department
2. Local merchant
3. Judge Hendry (Juvenile Judge)
4. Case worker from H.R.S.

C. Questions and Answers session

1. Students will write up five good questions.
2. Students write two paragraphs on conclusion to "Jimmy and Bill's" case study.

Words To Use in Matching

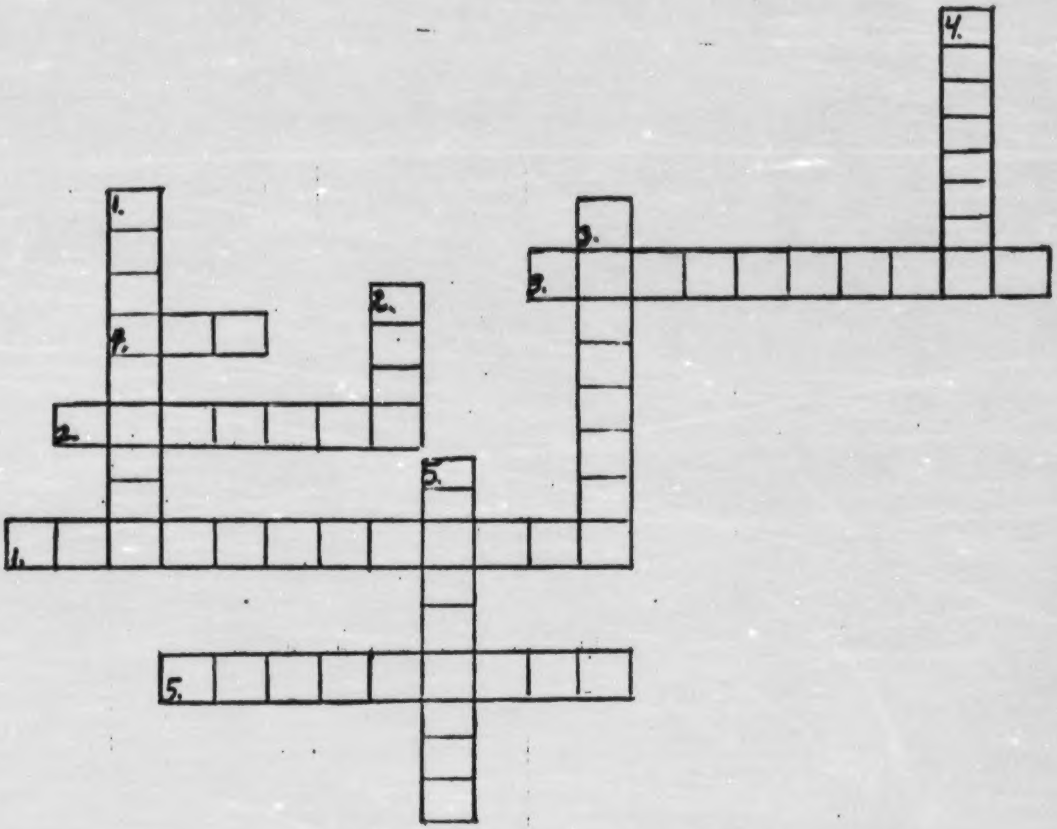
(For Prohibited Acts on a Vending Machine)

1. Statute
2. Violation
3. Prohibit
4. Probation
5. Fine
6. Law
7. Trespass
8. Juvenile
9. Penalty
10. Consequences

Definitions

1. A law or rule
2. The act of breaking a law
3. Forbid by law
4. Legal system of permitting young law breakers to go free under police supervision instead of being put in prison.
5. Money paid as a penalty for breaking a law or rule.
6. A rule or regulation set up by a government to be followed by all of the people under its authority.
7. To enter property in an illegal manner.
8. A youth, young person.
9. Punishment for a crime or offense.
10. Result, outcome

PUZZLE FOR VOCABULARY - "Prohibited Acts on a Vending Machine"



*Use definitions from matching!

Across

1. Consequences
2. Statute
3. Prohibited
4. Law
5. Probation

Down

1. Violation
2. Fine
3. Trespass
4. **Juvenile**
5. **Penalties**

FALSE ALARMS

I. General Objectives:

A. Students will be able to understand the penalties of commiting a false alarm of fires.

B. Students will be able to better understand the consequences of breaking the false alarm of fires statute.

C. Students will be able to create simulated situations of setting false fire alarms.

D. Students will be able to complete follow-up activities.

II. Initiating (Warm-Up) Questions/Activities:

A. Definition of a statute by teacher

  1. Definition of false fire alarms

  2. Hand-out with definition of false fire alarm statute.

B. Definition of penalties of breaking the false fire alarm statute.

  1. Define misdemeanor (first and second degree).

  2. Define s. 775.082, s.775.083 and S.775.084.

  3. Hand-out with definitions of 1 and 2.

C. Discussion by class "why" the false fire alarm statute exists.

D. Discussion by class what would occur without such a statute.

III. Main Case (Situation) Calling for a Decision:

A. Case Study

  1. Mary, a fourth grader, leaves the playground at recess time to use the restroom. On the way, she passes a tempting object, a fire alarm. Wondering if this device really works, Mary gives the alarm a pull! At the sound of the alarm Mary walks back to the playground, unnoticed, and lines up along with the other students.

B. Role-Playing:

1. Students will act out the above case study.

2. The students will decide the outcome for Mary.

IV. Probing Questions (What If's?):

A. Can you, as a youth, be fined?

B. Who is held responsible for your actions as a juvenile?

C. Can this crime lead to other offenses?

1. Such as trespassing?

2. Criminal mischief?

3. Preventing or obstructing extinguishment of fires?

4. Vandalism?

D. What type of punishment by law would the juvenile experience?

1. Term of imprisonment not exceeding one year.

2. Up to $1,000.00 fine.

3. For habitual offenders a term of imprisonment not exceeding three years.

V. Follow-Up:

A. Materials

1. "Matching" activity with legal terms learned.

2. "Seek and Find" puzzle with legal terms learned.

3. Crossword puzzle with terms.

B. Guest Speakers

1. Deputy from Sheriff's Department

2. City or County Fire Chief

3. Judge Hendry (Juvenile Judge)

4. Case Worker from H.R.S.

5. Probation Officer

C. Field Trips

1. City or County Fire Station
2. City Jail
3. County Courthouse (for a trial)

D. Questions and Answers Session

1. Students will write up five good questions.
2. Students will write two paragraphs on conclusion to "Mary's" case study.

Words To Use in Matching

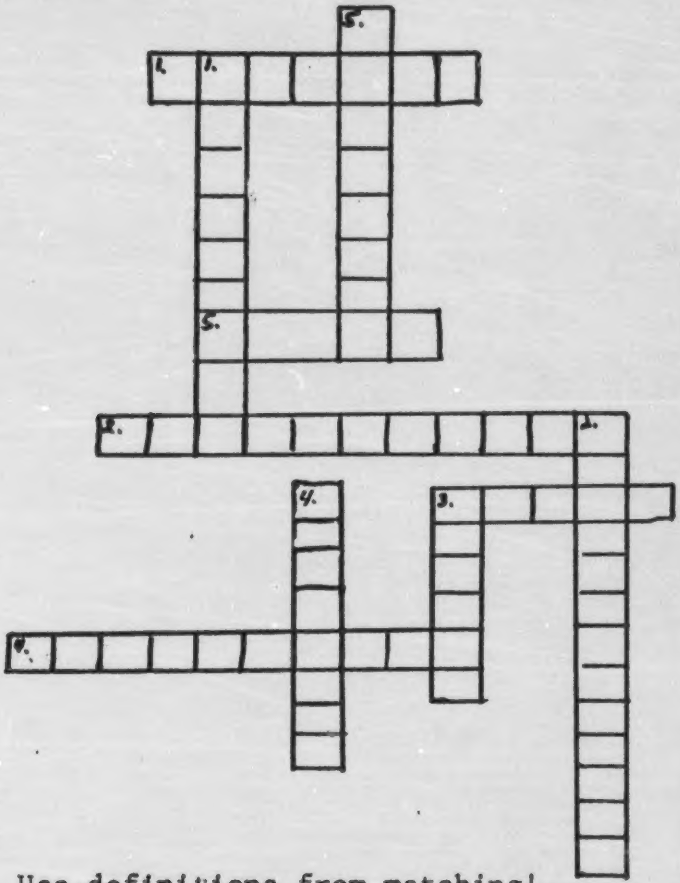
(For Setting False Fire Alarms)

1. Statute
2. Violation
3. False
4. Conviction
5. Felony
6. Misdemeanor
7. Guilty
8. Alarm
9. Trespass
10. Responsibility

Definitions

1. A law or rule
2. The act of breaking a law
3. Untrue or incorrect
4. A declaring or proving that someone is guilty
5. A major crime such as murder and burglary
6. A wrongdoing; in law, a minor offense punishable by a short jail sentence
7. Having done wrong, broken a law
8. A warning of danger
9. To enter property in an illegal manner
10. A duty

PUZZLE FOR VOCABULARY - "Setting False Fire Alarms"



ANSWERS Use definitions from matching!

Across	Down
1. Statute	1. Trespass
2. Misdemeanor	2. Responsibility
3. False	3. Felony
4. Conviction	4. Violation
5. Alarm	5. Guilty

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ROLE PLAYING

Role Playing: Students will role play a situation where 2 or 3 juveniles are apprehended while breaking a law.

Some possible situations are:

1. Shoplifters
2. Vandals
3. Car Thieves

Characters should include the following:

1. The juveniles
2. Police officer(s)
3. The victim
4. Parents of juveniles

After the situation has been roled played, the teacher should ask discussion questions such as:

1. What law has been broken?

2. Who was the victim, and how has this person been hurt?

3. How would you feel if you were the victim/parents/juveniles?

4. How can this affect the lives of the juveniles?

Florida Statute 828.12

828.12 Cruelty to animals.—Whoever unnecessarily overloads, overdrives, tortures, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhuman manner, shall be guilty of a misdemeanor of the first degree.

1. In your own words, what does this law say?
2. Give 2 examples of cruelty to animals.
3. Have you ever seen a person breaking this law? If yes, tell about it.
4. What can happen to a person who breaks this law?.
5. How can you help uphold this law?

NAME________________________________TEACHER___________________

SCHOOL_______________________________DATE______________________

WHEN SHOULD YOU CALL THE POLICE?

Directions: Circle the letter that indicates how you would respond to each of the following situations.

1. As you walk past a parked car, you see several kids fooling around with the door handles. One of them is trying to force open a window. What would you do?

   a. Mind your own business.
   b. Say nothing to the kids, but call the police.
   c. Help the kids get the car open.

2. While in a department store, you see an adult put several small articles in his pocket. What would you do?

   a. Tell the manager or a clerk.
   b. Watch and follow the person and then call the police.
   c. Shoplift, too.

3. It is early evening and almost dark. Three teenagers you know are still on the school grounds. They are throwing rocks and kicking balls at the windows of the school. What would you do?

   a. Get out of there and stay out of the trouble.
   b. Watch and hope that nothing happens.
   c. Call the police.

4. You see Tom, a friend of yours, grab a woman's purse and run with it into his house. What would you do?

   a. Call the police.
   b. Tell tom that you saw him do it.
   c. Tell the woman that you saw what happened.

5. You are on your way to a movie when you see a small child playing along the side of an untended swimming pool. What would you do?

   a. Yell at the child and tell him to get on home.
   b. Go over and pull the child away from the pool.
   c. Start looking for the child's mother.
   d. Look for a police officer.

6. You are at home alone when you hear strange noises outdoors. What would you do?

   a. Open the window and yell out to whoever is there to go away.
   b. Grab a weapon and run outside.
   c. Call a neighbor.
   d. Call the police.

NAME ______________________________ TEACHER ____________________

SCHOOL ______________________________ DATE ____________________

WHY HAVE SUCH A LAW? WHO BENEFITS?

Read the law reprinted below. It is from Florida Statutes. Then, write down why you think we have such a law in Florida. Who benefits from this law? What would be the consequences if we did NOT have such a law?

790.22 Use of BB guns, air or gas-operated guns, electric weapons or devices, or firearms by child under 16; limitation.—

(1) The use for any purpose whatsoever of BB guns, air or gas-operated guns, electric weapons or devices, or firearms [redacted] by any child under the age of 16 years is prohibited unless such use is under the supervision and in the presence of an adult.

(2) Any adult responsible for the welfare of any child under the age of 16 years who knowingly permits such child to use or have in his possession any BB gun, air or gas-operated gun, electric weapon or device, or firearm in violation of the provisions of subsection (1) of this section is guilty of a misdemeanor of the second degree.

1. Why do we have such a law?

2. Who benefits?

3. Consequences of NOT having this law?

A NOTE TO TEACHERS

INFUSING LAW EDUCATION INTO THE OKEECHOBEE SOCIAL STUDIES CURRICULUM

GRADE 4: PLACES THAT HONOR PEOPLE
PLACES THAT HONOR ACHIEVEMENTS

These two chapters in the Geography Course of Study permit teachers to do law education.

PLACES THAT HONOR PEOPLE

What are the places which honor people --in the textbook and in the South Florida region? What are the characteristics of the persons honored? Were they outlaws or law-abiding? Persons who thwarted society, or persons who advanced society? Persons who followed the rules, or persons who broke the rules?

Eckerd Youth Development Center
Baron G. Collier
Hernando DeSoto
Zachary Taylor, General
Billy Bowlegs, Seminole Chief
Napoleon Bonaparte Broward, Governor
Hamilton Disston, Developer
Francis Asbury Hendry, Captain, Confederate

Examine the buildings and places in Okeechobee County which are named after people (e.g., the hospital). Who were these people? What did they do? What didn't they do?

PLACES THAT HONOR ACHIEVEMENTS

What are the places which honor achievements --in the textbook and in South Florida? General Taylor's victory over the Seminoles on Christmas Day at Okeechobee? DeSoto Park in Bradenton? Can you name others? Which places mark proud achievements in upholding rules and law? Which mark places where rules or laws were broken?

GRADE 5: The United States History Course of Study offers many opportunities for the study of law and societal rules.

Pilgrims: The Pilgrims and there non-Pilgrim escorts were in need of rules to govern themselves once off the Mayflower and on the wintery shores of Massachusetts. The Pilgrims wrote and signed the Mayflower Compact to provide an agreement for the basis of government. Study about theat document. Think about the consequences of not having such an agreement nor government in their environment.

Later, compare that with the drafting of rules and a chain-of-command on wagon trains headed westward across the Great American Desert. What are the possible consequences of not having such rules and command agreements?

There are many other areas throughout the history course of study where law can be infused:

Immigrantion to the United States and immigration laws;

Smuggling against British law, and the rise of American laws on smuggling;

Religious freedom as a tradition and a set of laws, appears and reappears throughout our history;

Life in New England colonies, with the tradition of town meetings to deal with issues including laws;

The Constitution and the Bill of Rights offers a plethora of opportunities;

The Amendments at the time of the Civil War and Reconstruction redefining property and personhood, lead to the Civil Rights Acts of the 1960s and beyond;

The Progressive Era and conservation lead to all manner of wildlife laws, planning laws, and consumer protection laws for student study;and

The Post-World War II chapters open other avenues for the study of consumer law and criminal law.

GRADE 6: The Course of Study in World History provides ample opportunities for the study of law and societal rules.

All of the early river valley civilizations had the necessity of controlling water. Too much water --floods. Too little water --droughts. As a result, each of these societies was marked by a centralized, authoritarian government which handed out rules and used power to enforce them for the building and preservation of canals, ditches, and dikes. Labor was forced, and penalties severe. Life and "civilization" depended upon it.

In our contemporary society, we depend upon citizens obeying the rules and laws for the good of all. Because most persons obey the law, we have substantial freedom. Police and jails, while important for those who disobey the laws, are important to us as they help maintain our freedom. The more people who obey the law, the less time, money, and effort we need to spend on law enforcement, courts, and jails.

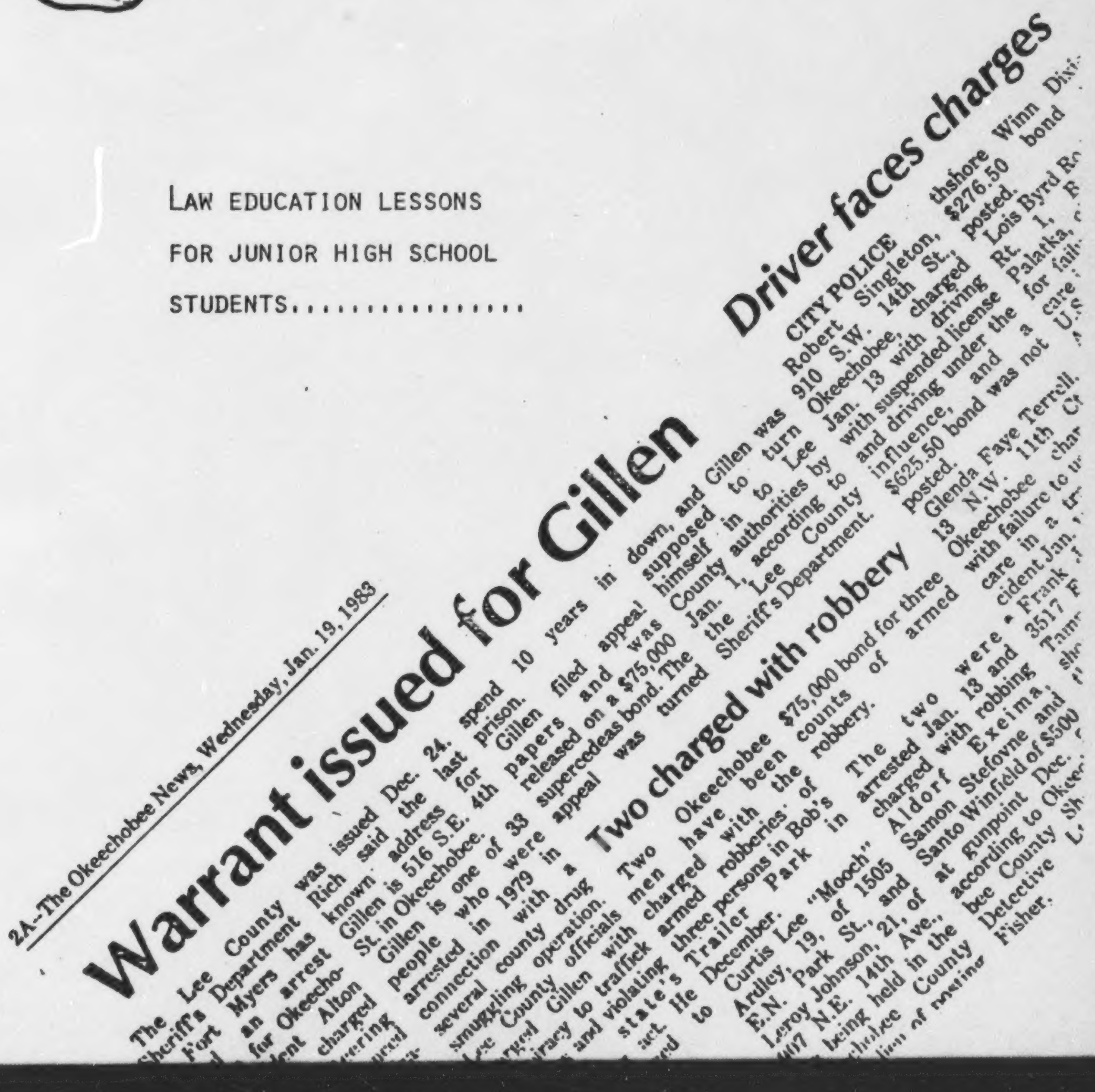
Another opportunity for law study appears during the Middle Ages with Life on a Manor --law was used to order life, complimented by all sorts of social rules. The morality plays give students a chance to see how values and rules are learned, and to write morality plays for their own time and place.

During the "Growth of Nations" students study the Magna Carta, Bill of Rights, and other great documents in the Western tradition. These may be compared and contrasted with U.S. and Florida documents and the ideas about law and society which underly them.

During the Age of Revolutions, students see those famous American ideas about liberty, equality, and private property emerge. Each has its place in our social rules and laws. Later, during the age of the World Wars, they can see the place of laws and rules under dictatorships.

The Sixth Grade Curriculum presents many opportunities for law education to be infused.

LAW EDUCATION LESSONS
FOR JUNIOR HIGH SCHOOL
STUDENTS................



2A–The Okeechobee News, Wednesday, Jan. 19, 1983

Warrant issued for Gillen

The Lee County Sheriff's Department Fort Myers has an arrest for Okeecho- ...ent Alton charged ...vering ... was issued Dec. 24. Rich said the last known address for Gillen is 516 S.E. 4th St. in Okeechobee.

Gillen is one of 33 people who were arrested in 1979 in connection with a several county drug smuggling operation. Lee County officials charged Gillen with conspiracy to traffick ... and violating state's ... act. He ... to spend 10 years in prison.

Gillen filed appeal papers and was released on a $75,000 supercedeas bond. The appeal was turned down, and Gillen was supposed to turn himself in to Lee County authorities by Jan. 1, according to the Lee County Sheriff's Department.

Two charged with robbery

Two Okeechobee men have been charged with the armed robberies of three persons in Bob's Trailer Park in December.

Curtis Lee "Mooch" Ardley, 19, of 1505 E.N. Park St., and Leroy Johnson, 21, of 407 N.E. 14th Ave., being held in the ...chobee County ... $75,000 bond for three counts of armed robbery.

The two were arrested Jan. 13 and charged with robbing Aldorf Exeima, Samon Stefovne and Santo Winfield of $500 at gunpoint Dec. ... according to Okeechobee County Sh... Detective L... Fisher.

Driver faces charges

CITY POLICE

Robert Singleton, 910 S.W. 14th St., Okeechobee, charged Jan. 13 with driving with suspended license and driving under the influence, and a $625.50 bond was not posted.

Glenda Faye Terrell, 13 N.W. 11th C... Okeechobee char... with failure to u... care in a tr... cident Jan. ...

• Frank J... 3517 F... Tam... sho...

...thshore Winn Dixi... $276.50 bond posted.

Lois Byrd Ro... Rt. 1, F... Palatka, c... for failu... care ... U.S. ...

BUILDING INTEREST IN LAWS

ONCE AGAINST THE LAW...

Purpose: to illustrate that laws have changed.

Procedure: Read the following information to your class. Ask them if they can tell of any examples of rule or law change.

Did you know...

* that in 1830 in Massachusetts a man was put in jail for wearing a beard?

* that in Tennessee it was unlawful to lasso a fish?

* that in Vermont it was illegal to whistle under water?

* that in Cleveland it was illegal for more than two people to drink out of the same whiskey bottle?

* that it was illegal to shoot rabbits form the platforms of streetcars in Los Angeles, California?

* that in the 1960's women and girls were not allowed to wear slacks to school in many communities?

* whoever peeled an orange in his/her hotel room in California was breaking the law?

* in Arkansas, it was illegal to blindfold a cow on public roads?

* every animal out on the streets after dark in Berea, Ohio, has to wear a tail light?

* Gloversville, N.Y. forbade women wrestlers from appearing in the city?

* crocodiles could not be tied to fire hydrants in Michigan?

* wearing roller skates in public bathrooms was illegal in Portland, Oregon?

* it was illegal to hunt or shoot camels in Arizona?

* in Hanford, California, no one could interfere with children jumping over water puddles?

* in Waterville, Maine, it was against the law to blow one's nose in public?

* it was against the law for a woman to be a bellhop in Dayton, Ohio?

* it was illegal to fall asleep in a bath tub in Detroit, Michigan?

* in Springfield, Massachusetts, it was against the law to ride on the roof of a car?

* it was illegal to wear a mask in Denver, Colorado?

* in New Jersey, it was illegal to slurp your soup?

* laws in California, Idaho, North Dakota, and Okelahoma forbid catching birds in cemeteries?

* in Washington, D. C., all taxi cabs had to carry a broom and shovel?

Follow Up Discussion:

1. What might be some of the reasons for these rules and laws?
2. Try to imagine yourself in another period of history...a hundred years ago. How would the laws be different? Would there be laws about television advertising?
3. Try to imagine yourself in the future...a hundred years from now. How will life be different? What laws that we have today will change? What new laws will be needed? For example, what if a portable pair of wings would be invented and everyone could fly. What kinds of laws would we need?

NAME________________________________TEACHER____________________

SCHOOL______________________________DATE_______________________

WHY HAVE SUCH A LAW? WHO BENEFITS?

Read each of the laws reprinted below. They are from Florida Statutes. For each law, write down why we have such a law in Florida. Who benefits from this law? What would the consequences be, if we did NOT have such a law?

LAW 1:

871.01 Disturbing schools and religious and other assemblies.—Whoever willfully interrupts or disturbs any school or any assembly of people met for the worship of God or for any lawful purpose shall be guilty of a misdemeanor of the second degree.

Why do we have it?

Who benefits?

Consequences:

LAW 2:

[1]**231.07 Insulting instructional personnel; disturbing school functions.**—Any person not subject to the rules and regulations of a school who creates a disturbance on the property or grounds of any school, who commits any act that interrupts the orderly conduct of a school or any activity thereof shall be guilty of a misdemeanor of the second degree, punishable as provided by law. This section shall not apply to any pupil in or subject to the discipline of a school.

Why do we have it?

Who benefits?

Consequences:

Common Crimes: Classified by Degree
Source: Florida Statutes, 1977

I. Felonies

A. Capital felony: example: premediated murder 1. 1st degree murder (includes felony-murder) 2. Sexual battery against person 11 years or younger	Death or up to life imprisonment, with 25 year minimum.
B. Life felony: example: rape 1. Sexual battery against person 12 years and older with deadly weapon or injury causing force	Life or 30 year minimum.
C. 1st degree felony: example: strong-armed robbery 1. 2nd degree murder 2. Kidnapping 3. Sexual battery which does not classify as capital or life felony 4. Arson, if structure may be inhabited 5. Burglary, if burglarer is armed or makes assault 6. Robbery, with deadly weapon	Up to 30 years; and/or a $10,000 fine.
D. 2nd degree felony: example: aggravated battery 1. 3rd degree murder 2. Manslaughter 3. Arson, if structure is known to be vacant 4. Aggravated battery 5. Burglary, if structure is occupied 6. Robbery, without deadly weapon	Up to 15 years; and/or a $10,000 fine.
E. 3rd degree felony: example: sale of marijuana 1. Vehiclar homicide 2. Aggravated assault 3. Carry concealed firearm 4. Burglary, of unoccupied structure 5. Grand larceny (theft of $100 or more) 6. Petit larceny (for 3rd conviction) 7. Receiving stolen property (of $100 or more in value) 8. Resisting arrest, with violence 9. Marijuana possession of 5 grams or more 10. Sale of marijuana (any amount)	Up to 5 years; and/or a $5,000 fine.

II. Misdemeanors

A. 1st degree misdemeanors — Up to 1 year in county jail and/or a $1,000 fine.

1. Battery (not aggravated)
2. Carrying concealed weapon (not firearm)
3. Trespass, if armed or a person is present
4. Petit larceny, 2nd conviction
5. Resisting arrest, without violence
6. Marijuana possession (5 grams or less)

B. 2nd degree misdemeanors: — Up to 60 days in county jail and/or a $500 fine.

1. Assault (not aggravated)
2. Trespass (simple)
3. Petit larceny, 1st conviction
4. Receiving stolen property ($99 or less in value)

Fines may also be levied in addition to, or in lieu of, imprisonment when specified by statute.

Repeat (habitual) offenders may have penalties increased.

For a number of crimes, including robbery, burglary, and aggravated battery, the use of a firearm or destructive device requires a 3 year minimum sentence.

Delinquent Children: If a child is adjudicated delinquent for a serious crime and it is a second offense, the State Attorney should request that the child be transferred to an adult court.

NAME________________________________TEACHER____________________

SCHOOL_______________________ __________DATE______________________

WHAT DOES THE LAW SAY TO YOU?

Read the following law from Florida Statutes. Then, read each of the following situations. Tell whether the law has been broken in each of the situations. Write a sentence or two telling why you think that the law was broken, or was not broken.

> **859.06 Sale of cigarettes and wrappers to minors.**—No person shall sell, barter, furnish, or give away, directly or indirectly, to any minor, any cigarette, cigarette wrapper or any substitute for either; or procure for, or persuade, advise, counsel, or compel any child under said age to smoke any cigarette. Any peson violating the provisions of this section shall be guilty of a misdemeanor of the second degree.

SITUATION 1. Melvin, 19 years old, went into the mini-market and purchased two plugs of chewing tobacco for his use.

Broken? ____ Not broken? ____

Why?

SITUATION 2. Sally, 15 years old, ran into the store to buy a pack of cigarettes for her father who was waiting in the car. She purchased the cigarettes with a five dollar bill and took them and her change back to her dad.

Broken? ____ Not broken? ____

Why?

SITUATION 3. Harry wanted to help Tom out. Harry, now 20 years old, went into the store and bought a pack of cigarettes for Tom who was 12 years old. Tom had given him the money. Now Harry gives the cigarettes to Tom.

Broken? ____ Not broken? ____

Why?

NAME______________________________TEACHER__________________

SCHOOL______________________________DATE____________________

WHAT DOES THE LAW SAY TO YOU?

Read the law reprinted from Florida Statutes at the bottom of this page. Then, read each situation. Tell whether the law was broken in each case. Then, write a sentence or two telling why you think the law was or was not broken.

SITUATION 1. When Tommy finished his call from a pay telephone, the machine returned his money! He got it out of the coin return slot and left smiling.

SITUATION 2. Sally had often lost money in this ice cream machine. This time she didn't put her quarter in the slot, but squeeeeezzzzzed her hand into the opening and slipped an ice cream bar out. She showed that machine! She got a "free ice cream bar."

SITUATION 3: Gee, Harry is a great friend, Dale thought. He makes metal slugs to put into vending machines so he can get "free" cokes. Today, he gave Dale ten slugs and she rushed to the soft drink machine to try them out. Just as the first coke slid out of the machine, Dale saw the store owner coming!

SITUATION 4: "Not again," Carol shouted. "That machine has stolen its last dime from me." An angry Carol reared back and kicked the gum machine. BAM! The machine broke and gum balls were running everywhere at once. Carol looked around to see if anyone was looking. Red faced, Carol tried to run and hide.

817.32 Fraudulent operation of coin-operated devices.— Any person who shall operate or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated, any automatic vending machine, slot machine, coinbox telephone, or other receptacle designed to receive lawful coin of the United States in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated, or foreign coin, or by any means, method, trick, or device whatsoever not lawfully authorized by the owner, lessee, or licensee of such machine, coinbox telephone or receptacle, or who shall take, obtain or receive from or in connection with any automatic vending machine, slot machine, coinbox telephone or other receptacle designed to receive lawful coin of the United States in connection with the sale, use, or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph, or other property, without depositing in and surrendering to such machine, coinbox telephone or receptacle, shall be guilty of a misdemeanor of the second degree.

NAME_______________________________TEACHER___________________

SCHOOL_____________________________DATE______________________

REASONS FOR OBEYING THE LAW OR RULES

Why do people follow the law? What moves people to accept good laws or social rules and follow them in their daily lives? Think about a law or rules such as "Do not steal" or "Tell the truth" or "Do not hurt other persons."

A. Which of the following reasons are the best ones for accepting and obeying a law or a rule?

B. Explain why you think that the reasons checked are the best ones.

A.___1. Obey rules to avoid being punished by other persons or by government authorities, if you get caught breaking the rules.

___2. Obey rules to get rewards from persons in authority (e.g., parents, teachers, employers, etc.).

___3. Obey the rules to get other persons to like you and accept you, or to keep them from disliking you and saying negative things about you.

___4. Obey the rules because the rule makes sense and everyone benefits if everybody follows the rule. That is, society is a better place for everyone, if the rules are followed.

___5. Obey the rules so that one does not feel guilty about breaking the rules and worrying about violating the rules.

B. Your Explanation:

PETTY THEFT.......NOT SO PETTY..................................

Petty theft or petty larceny means "little thefts," such as taking items of low value from stores, stealing hubcaps, or using slugs in vending machines. Just because petty means little and petty theft is not as great as grand larceny does not mean that it is not a serious charge. These offenses can draw penalties of jail terms and stiff fines.

These fines and detention terms apply to minors as well as adults.

Shoplifting is a term for a particular kind of larceny--stealing goods from a store or a market.

Shoplifters are of all ages and come in all sizes, shapes, and sexes. Between 70 and 80 percent of all shoplifters caught are under 18 years of age. The nationwide loss from shoplifting each year is estimated at 3 billion dollars! Over a billion dollars of loss is caused by teenage shoplifters.

The little things that many shoplifters take certainly add up to a lot of dollars. These dollars have to be taken from the profits of business or the costs are added on to the cost of items purchased by customers who PAY FOR WHAT THEY TAKE HOME FROM A STORE!

Here are some statements about SHOPLIFTERS. Do you think that they are true or false?

1. Shoplifting is done mostly by poor people.
2. Shoplifting is done mostly by teenagers.
3. Shoplifting is done because people cannot pay for what they need.
4. Shoplifting is not a serious offense of the law.
5. Shoplifters are rarely caught by store clerks and are rarely prosecuted.
6. Youthful shoplifters often shoplift for "kicks."
7. Youthful shoplifters often shoplift to impress their friends.
8. A few shoplifters are kleptomaniacs, or compulsive stealers, who steal for the sake of stealing.
9. More teenagers are arrested for shoplifting than any other offense.

Answers: 1-5-F 6-9=T

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SHOPLIFTING

WHAT SHOULD BE DONE?...

CASE 1. Zack and his mother are shopping for groceries in Okeechobee. It appears that Zack, 7 years old, is hungry and his mother lets him open a little box of animal crackers. As she is finishing shopping, Zack has finished off the box of crackers! His mother takes the box and hides it behind the toilet paper on the shelf. Then, she goes to the checkout counter to pay for the groceries.

CASE 2. Melody's friends all wear designer jeans. They are the really big thing to have! Unfortunately, Melody's parents simply refuse to spend the extra money to buy designer jeans, and continue to buy her Levi's jeans. Angry, Melody wants to avoid the teasing of her friends. She goes into a store and gets four different pairs of designer jeans without paying for them ! She thought that she was quite clever.

CASE 3. Of course the sign said no food in the store, but they couldn't leave their ice cream cones outside! The three girls went into the clothing store...and sure enough, ice cream was spilled on three new dresses on the racks. Quietly, the girls slipped out of the store without telling anyone. Now the store keeper will have to try to sell those dresses for half price.

CASE 4. This years has been so dry that the local farm workers have not made enough money to go north to pick other crops. Dry weather in the north means that there is little to pick there anyway. Therefore, Sam and his family are stuck with very little money to live on. One day Sam is caught stealing a ham sandwich in the local supermarket. He says that there is little to eat at home and in the past he has stolen groceries from the store without getting caught.

Has "shoplifting" occurred in each of the above situations? What should be done to the shoplifters in each case?

If the police are called in by the storeowner, the shoplifter will be warned of his/her rights and, for children, their parents will be called. The police officer or sheriff's deputy will fill out an "Offense Report."

WHAT OUGHT TO BE DONE........TO SHOPLIFTERS?.................................

In many Muslim **countries**, persons who steal have their hands cut off. The Muslims' holy book, the Koran, says:

> As for the thief, both male and female, cut off their hands. It is the reward of their own deeds, an exemplary punishment from Allah. Allah is mighty, wise.

This may seem a little extreme. But what are we to do with persons who shoplift? Many persons shoplift repeatedly and drive up the prices for honest shoppers.

Respond to the following suggestions. Do you agree or disagree? Why? (Always be ready to give your reasons for agreeing or disagreeing)

1. Tell shoplifters never to do it again, especially youthful shoplifters.
2. Tell the school principal and teachers of the shoplifter.
3. Tell the parents of youthful shoplifters.
4. Make the shoplifter pay for the merchandise stolen, including youthful shoplifters.
5. Make the shoplifter do work for the store owner and for the good of the community (cut grass in a park, sweep sidewalks).
6. Send convicted youthful shoplifters to detention centers, or to prison if they keep doing shoplifting.
7. Brand the convicted shoplifters with a big S on their faces.

CRIME & PUNISHMENT?

Persons of good will will often disagree on what should be done to those who break the law. We have all heard cries of..........

> "String'em up!" "Bring back the whipping post."
>
> "Throw'em in jail and throw away the key!"
>
> OR
>
> "He's really a good boy. He just comes from a bad home."
>
> "Well, what can you expect. Look at her environment!"

Once a court has found a person guilty, the court has to decide how to sentence the guilty person. But first, the court (and all persons in our society) have to think about the REASON for imposing a penalty for breaking laws. WHY DO WE SENTENCE GUILTY PERSONS? WHAT DO WE HOPE TO ACHIEVE???????

Five "goals" are listed below. Which goal is the best goal for sentencing persons guilty of breaking laws? Why?

___/ TO PUNISH THE GUILTY PARTY

___/ TO REHABILITATE THE GUILTY PARTY

___/ TO PROTECT SOCIETY FROM LAW BREAKER FROM DOING IT AGAIN

___/ MAKE AN EXAMPLE OF THE OFFENDER--AS A DETERANT TO CRIMINALS

___/ TO GET REVENGE

What are the options a judge might have in imposing a sentence on a guilty person?

suspended sentence? fine? imprison?

probation? community service?

POLICE

OBJECTIVES:

1. Identify the main jobs of the police.
2. Identify and describe basic problems faced by law enforcement.
3. Through guided instruction, the students will develop positive attitudes toward the police.

Material:

The word Police will be written on the board. The students discuss their feelings about this word.

What association does it call up? Divide the association into positive and negative points.

Have the students list reasons for law enforcement.

Divide the class in three groups, and give a hypothetical situation where the police services are rendered. Have the students relate how the police should react.

LAW ENFORCEMENT OFFICERS

OBJECTIVES:

1. Describe the basic conflict over police use of firearms and take a position on it.
2. Describe the qualities of a good police officer.
3. List qualifications for police training.
4. Write an one page essay evaluating the job the police do and how police practices could be improved in the community.

Materials:

Speaker: A deputy from the county sheriff's department.

Have the officer explain his primary function.

Have the students list the qualities that make a good police officer.

Compare and contrast to what the speaker has stated.

Have the police officer explain qualifications for candidates for officers training.

Evaluation based on students' questions and their essays.

ROLE-PLAY SITUATIONS

Situation 1

Roles: Two students walking down street; one police officer in a patrol car.

Scene: Two teenage students are walking down a residential street listening to a transistor radio. The police officer notices the two and also recalls a bulletin that there was a theft in a home yesterday and that one of the stolen items was a transistor radio. Begin role play with action of the police officer.

Situation 2

Roles: Four students sitting on a curb after school, talking and smoking. One police officer driving by in a patrol car, who stops to investigate. (Neighbor had phoned complaint of dope-smoking by students walking home from school.)

Scene: Action begins with police response.

Situation 3

Roles: One boy or girl riding a bike; one police officer on a motorcycle.

Scene: Police officer spots young person riding a bike without a license. Three bikes have been stolen in that neighborhood over the last two weeks. The police officer signals the person to pull over to the curb. Action starts with police statement.

Situation 4

Roles: One neighbor; four members of a family (mother, father, two children); two police officers in a patrol car.

Scene: Neighbor phones in a complaint to police department about the screaming and yelling that had gone on next door for two or three hours. Both officers knock on the door. The father answers the door. Action: The police speak first.

Reprinted with permission from *Police* (Denver: Center for Teaching International Relations, n.d.), pp. 17-18.

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NAME________________________________ TEACHER____________________

SCHOOL______________________________ DATE_______________________

WHAT DOES THE LAW SAY TO YOU?

Read each of the following laws. Tell what each one says in your own words. Then, tell why we need and have such laws!

837.05 False reports to law enforcement authorities.—Whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime is guilty of a misdemeanor of the first degree.

843.02 Resisting officer without violence to his person.—Whoever shall obstruct or oppose any such officer, beverage enforcement agent, member of the Florida Parole and Probation Commission or any administrative aide or supervisor employed by said commission, parole and probation supervisor or parole and probation officer employed by the Department of Corrections, personnel or representative of the Department of Law Enforcement, or legally authorized person, in the execution of legal process or in the lawful execution of any legal duty, without offering or doing violence to the person of the officer, shall be guilty of a misdemeanor of the first degree.

843.06 Neglect or refusal to aid peace officers.—Whoever, being required in the name of the state by any officer of the Florida Highway Patrol, police officer, beverage enforcement agent, or watchman, neglects or refuses to assist him in the execution of his office in a criminal case, or in the preservation of the peace, or the apprehending or securing of any person for a breach of the peace, or in case of the rescue or escape of a person arrested upon civil process, shall be guilty of a misdemeanor of the second degree.

HANDOUT

CRIMINAL PROCESS

INVESTIGATION 1

DIRECTIONS: This handout contains descriptions of various events that occur during a police case. Working in groups, decide in which order the events in the case occurred, and write numbers representing this sequence next to each event (#1 to #15).

____Mr. J. is asked to step out of the truck and walk to the police car.

____Charges are filed with the court by the prosecutor, who represents the government.

____Mr. J. is driving home from a swinging party, and he is smashed. He has had so much to drink that he feels like he is swimming.

____Mr. J. is fined $100 by the judge.

____The blood test shows that Mr. J. has alcohol in his blood beyond a legal limit, and he is arrested for drunken driving.

____Mr. J. swerves on the road and knocks down a streetlight but does little damage to his truck.

____Mr. J. pleads guilty to the charge of drunken driving.

____Mr. J. is booked.

____Two police officers in their patrol car witness the incident and take off after the truck.

____Mr. J. is asked whether he wants a trial by judge or a trial by jury.

____Mr. J. is asked for his license by the officers.

____Mr. J. is released on bail and attends a preliminary hearing three days later.

____Mr. J. pulls his truck over to the side of the road because a police car is following him with the red light flashing.

____Mr. J. makes an appearance the next day before a judge. This is the first time he appears in court.

____Mr. J. is taken to the police station for a blood test.

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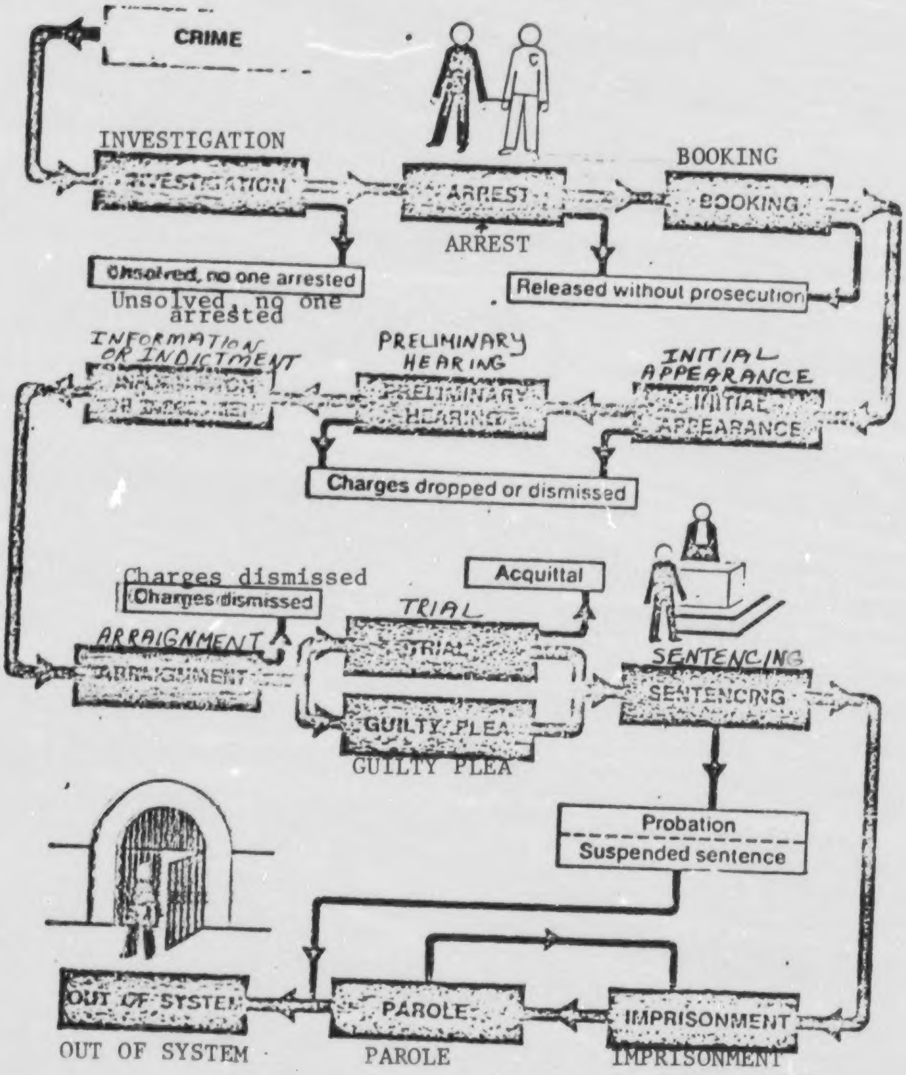
PROCESS OF CRIMINAL JUSTICE


CRIME
INVESTIGATION
INVESTIGATION
ARREST
ARREST
BOOKING
BOOKING
Unsolved, no one arrested
Unsolved, no one arrested
Released without prosecution
INFORMATION OR INDICTMENT
INFORMATION OR INDICTMENT
PRELIMINARY HEARING
PRELIMINARY HEARING
INITIAL APPEARANCE
INITIAL APPEARANCE
Charges dropped or dismissed
Charges dismissed
Charges dismissed
Acquittal
TRIAL
TRIAL
ARRAIGNMENT
ARRAIGNMENT
GUILTY PLEA
GUILTY PLEA
SENTENCING
SENTENCING
Probation
Suspended sentence
OUT OF SYSTEM
OUT OF SYSTEM
PAROLE
PAROLE
IMPRISONMENT
IMPRISONMENT

YOU HAVE BEEN CALLED TO COURT TO TESTIFY AS A WITNESS!

You are annoyed; you are upset; and you are nervous. You'll lose time from work. Your leisure time is being interfered with. You'll waste time in court waiting to be called to testify. You don't know anything about the case. Why don't they use the statement you gave them before the trial so you won't have to appear? These feelings are frequently expressed by people when they are called upon to appear in court as witnesses.

This booklet is designed to explain your role as a witness in a lawsuit and the "do's" and "don'ts" of testifying.

You, as a witness in a lawsuit, have a very important job to do. Important not only to the party for whom you appear and to yourself, but also to the American system of justice. In order for a jury or a judge to make a correct and wise decision, they must have all of the evidence put before them accurately and truthfully by witnesses. Your lack of cooperation or failure to come forth as a witness could cause an unjust result in a lawsuit.

All the people involved in a lawsuit, the judge, the lawyers and the parties, know your time is valuable and you have other things you would rather be doing than testifying in court. Every attempt will be made to waste as little of your time as possible. There may be unavoidable delays in getting you on and off the witness stand, but be patient. You have not been forgotten.

Frequently, witnesses who have already given oral or written statements before the trial are called to testify. You may wonder why you should be inconvenienced by going to court when your statement could be used in lieu of your appearance. Under our adversary form of trial, the judge would not allow the statement into evidence, because the law requires the witness to appear in court, tell his story under oath and be subject to questioning by all parties. Therefore, even though you have previously given a statement about the facts of the case, your presence at the trial is still required.

Persons called as witnesses frequently believe they do not know any relevant facts about the case and therefore should not be called. The fact of the matter is that you may know a very important fact about the lawsuit, even though it may seem unimportant to you. Remember, the lawyers investigate the case thoroughly and know what testimony is necessary to win the case. If your testimony is not essential to the case, you will not be called.

If you are subpoenaed to court, do not ignore the subpoena. It is an order of the court and must be obeyed. Failure to appear in court in response to a subpoena could place you in contempt of court. If the subpoena contains a note requesting that you call the lawyer who has had it issued for instructions as to when to appear for trial, it is important that you do so since this will greatly conserve your time.

If you have already given a written statement, you may refer the lawyer to that statement. It is not necessary that you give more than one written statement.

As in every other endeavor in life there is a right way and a wrong way to be a good witness.

THE FOLLOWING WILL BE HELPFUL TO YOU IN COURT:

1. Prior to your appearance in court go over the facts of the case in your mind. If it is an accident case, visit the scene of the accident. It may help to refresh your memory.

2. When you take the witness stand, get comfortable, sit erectly and look around you to familiarize yourself with the court surroundings.

3. In testifying, the first rule is to tell the truth. Don't answer questions with half-truths. Don't try to judge whether an answer is going to help or hurt one side or the other. Don't let your personal judgment of who should win or lose color your testimony. Avoid expressing your opinion about the guilt or innocence of the involved parties. That is the job of the jury. As a witness, your sole duty is to tell it like you saw it. Nothing more, nothing less.

4. Answer the questions clearly and loudly enough so everyone can hear you. Don't talk too fast or too slowly. Don't mumble or slur your words. Look at the jury and address your remarks to it, so that the jury members will be able to hear and understand what you have to say.

5. Be serious at all times. The courtroom is not the place to be cute or humorous.

6. Do not memorize your testimony. It will sound rehearsed and lack the ring of truth.

7. Listen to the questions carefully. If you do not hear a question, ask that it be repeated. If you do not understand a question, ask that it be rephrased. Don't attempt to guess at an answer to a question that you didn't understand or hear. If you do not know the answer to the question, state simply that you do not know. The trial of a court action is not like a television quiz program where you must come up with some type of a guess for an answer.

8. Answer directly and simply only the question asked you, and then stop. Do not volunteer information.

9. If you make a mistake in answering a question, correct it immediately.

10. If a question can't be truthfully answered with a "yes" or "no," you have a right to explain the answer.

11. If an objection is made by one of the lawyers, or the judge speaks, stop your testimony immediately. Do not try to complete your answer.

12. Don't argue with the lawyer asking the questions.

13. While testifying on cross-examination, don't look to the lawyer who called you for help in answering the question. You are on your own. If the question is improper, the lawyer will object and the judge will rule on it. It is important,

however, that you listen to the objection so that you understand why it is being made.

14. If the question is about distances, time or speed and your answer is only an estimate, be sure that you say it is only an estimate.

15. If you are asked whether or not you have talked to anyone about your testimony before coming to court, be sure to answer "yes" if you have. There is nothing wrong with discussing the facts with the lawyers, parties, police or investigators prior to trial.

16. Finally, be natural. Be yourself. Don't try to be someone you are not. If you relax and tell the truth and remember you are just talking to some neighbor on the jury, you will get along fine.

This pamphlet is published by The Florida Bar Public Relations Division as a public service. Single copies of the pamphlets listed below are free upon request. To obtain a copy or information on obtaining a quantity of any of the pamphlets, write to Public Relations Division, The Florida Bar, Tallahassee, Florida 32301.

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Buying a Condominium
Buying a Home
Client's Bill of Rights
Complaint Against a Florida Lawyer?
Do You Have a Will?
Florida's No-Fault Divorce Law and Your Rights
Handbook for Jurors
Has Your Child Been Arrested?
If You Are Arrested in Florida
Is Law Your Career?
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Rev. 0980

SO YOU'RE GOING TO BE A WITNESS

Public Relations Div. **The Florida Bar** Tallahassee, FL 32301

IF YOUR CHILD IS ARRESTED

INTRODUCTION

The purpose of Florida's juvenile justice system is to protect society more effectively by attempting to rehabilitate, not just punish, children who commit crimes. Juvenile courts in Florida work with law enforcement, prosecution and defense attorneys, and the Florida Department of Health and Rehabilitative Services in planning for children in trouble with the law. The courts will try to ensure that the child learns from his or her experience and returns to the community as a productive citizen, without having suffered permanent harm.

Children who are referred to the juvenile court have many of the same rights as an adult charged with a crime. You and your family should understand those rights. The following questions and answers provide you with specific information and procedures for you to follow . . . IF YOUR CHILD IS ARRESTED.

If your child is brought in for questioning, should he or she cooperate with law enforcement?

Yes and No. A good general rule is to tell your child that if taken to the police station as a suspect, he or she should be cooperative, but *not* answer questions about particular offenses until you are there to help. (Florida law says a child can be questioned outside the presence of his or her parents. However, in deciding whether a confession will be admitted as evidence against the child, the judge will consider whether the child fully understands his or her constitutional rights, and whether the parents should have been present to advise the child.) Children *do* have the right to consult an attorney before making a statement or answering questions, but in cases of minor offenses, it may not be necessary. However, if your child is charged with a major crime, such as a very serious property offense or a crime against a person, for which he or she could be tried as an adult, you and your child should definitely consult with an attorney before speaking to the police.

Your child can be taken to the police station to be fingerprinted and photographed upon a reasonable belief that he or she has committed a crime. These records are kept separately, are *not* available to the public, and will be destroyed at specific points in time or by court order. The police are then required to release your child to you or another responsible adult.

Can your child be put in jail?

No, but your child can be detained in a separate facility designed to house juveniles only. If the police arrest your child, they will make the initial decision as to whether the child should be released or detained. If the police do not believe detention is necessary, or if the law does not allow detention for the offense your child is charged with, the police are required to release your child either to you or to a responsible adult. If the police believe detention is necessary they will deliver your child to a juvenile detention facility operated by the Florida Department of Health and Rehabilitative Services. The law requires that a reasonable effort be made to notify you that your child is being detained. If your child is detained, a hearing must be held by a juvenile court judge *within 24 hours*, at which time the need for continued detention is determined by the judge.

If the police charge your child, what procedures follow?

Information concerning the charges will be furnished to the Department of Health and Rehabilitative Services (HRS) and to the state attorney for review. A counselor from HRS will contact you and your child and arrange a conference to discuss the charge and your child's background. HRS will make recommendations to the state attorney concerning appropriate ways to handle the matter. These recommendations are advisory only; the state attorney will make the final determination as to whether or not formal charges will be filed against your child. In many parts of Florida less serious offenses are handled by diverting the child from the formal judicial process into programs designed to remedy the situation without the need for court action.

Are all law violations by children handled in juvenile court?

No. If your child commits a violation of law pertaining to the operation of a motor vehicle, other than a felony traffic offense, the charges will be referred to the same court that handles traffic and motor vehicle offenses committed by adults. There are also provisions in Florida law that allow the state attorney to transfer certain charges and certain children for prosecution in the criminal courts. If your child is charged with a crime punishable by life imprisonment or death, has a prior record in juvenile court, or is sixteen years of age or older the state attorney may seek to have your child prosecuted in a criminal court.

Does your child have a right to be represented by an attorney?

Yes. Florida law provides your child the right to be represented by an attorney at all stages of any juvenile court proceeding. If the judge determines that you are financially able to do so, you have an obligation to provide an attorney for your child. If you are not financially able to hire your own attorney, the court may appoint a public defender to represent your child. If a public defender is appointed, the court can assess a fee for the public defender's services against you as your child's parent or guardian.

Does your child really need an attorney in delinquency proceedings?

That is a question you or your child will have to answer. If a delinquency petition is filed against your child, it is wise to have an attorney determine whether there is a legal basis for the charge as well as whether the legal requirements were met before the charges were filed. This is even more important when the state attorney is seeking criminal prosecution against your child.

Does your child have a right to a trial in juvenile court?

Yes. If your child pleads not guilty to the charge in the delinquency petition he or she

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has a right to a hearing before a juvenile court judge at which time the state must prove the child's guilt beyond a reasonable doubt. Your child has all the rights of an adult charged with a crime, except the right to trial by jury. The law does not provide for juries in juvenile court. All hearings are held before a judge only.

What is a "judicial plan"?

Florida law provides that a child who has had a delinquency petition filed against him or her can make a contract with the judge to be placed voluntarily under the supervision of HRS without admitting guilt. The child gives up the right to a speedy trial and agrees to obey specific conditions. The judge promises that if the child complies with the conditions, the delinquency petition will be dismissed and the child's record will be wiped clean. If the child breaks the condition, the delinquency petition can be brought up again. The child will need the help of an attorney or HRS counselor to prepare the required documents. The judicial plan is an excellent way for a child to "pay for the crime," without retaining a record in juvenile court.

What happens if your child is found guilty?

Once your child pleads guilty or is found guilty the judge will go on to the dispositional phase of the delinquency proceeding, to determine what should be done for your child. At the dispositional hearing the court is required to consider a report prepared by HRS which contains information on your child and his background. The court is required to discuss the offense with your child and give everyone present, including the victim, you, your child, your child's attorney, the prosecutor, the arresting officer, and representatives of HRS and your school system an opportunity to comment on the offense and an appropriate disposition. It is possible that your child will be given a judicial warning after which the case is closed. (This often happens with a first offense when it is clear that you have appropriately disciplined your child yourself.) Many times a child is placed on probation, called community control, with specific conditions the child must obey. For children charged with serious offenses or who have a record of serious offenses, commitment to HRS may be ordered. The child is then placed in the custody of HRS for placement in an institution.

Do you have any liability for delinquent acts committed by your child?

You may. Florida law allows the juvenile court to order you to pay restitution of up to $2500.00 to the victim for *each* criminal episode in which your child is involved. Additionally, another provision of Florida law allows the victim to sue you outside of juvenile court for damages done to the victim's property by your child. You may wish to consult with an attorney if it appears an effort will be made, either in juvenile court or in a separate lawsuit, to hold you financially liable for damages done by your child.

Are juvenile court records confidential?

Yes. Juvenile records are kept separate and apart from other court records. Accessibility is limited to the child, his or her attorney and parents, HRS, law enforcement and some correctional staff. They are never accessible to the general public. Even the records of related agencies are not accessible without permission of the court. As with police records, there is also provision for destruction at specific points in time.

Does this mean the media cannot publish your child's name?

No, it does not. Juvenile court hearings are open to the public unless closed by the court. The press is free to publish any information gathered at a public hearing. Florida law also permits the police to release the name and address of a child sixteen years of age or older who has been arrested for a felony.

This pamphlet is published by The Florida Bar Public Relations Department as a public service. Its purpose is to inform citizens of their legal rights and obligations. Consult your attorney if you have questions about how the law applies to a particular case.

JUVENILE
ARREST

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Public Relations / **The Florida Bar** Tallahassee Florida 32301-8226

WHAT WILL HAPPEN TO JOHNNY NOW?

Once upon a time there was a school of Specks living in a lake called Fat Waters Lake. (Optional-this was a school without a principal, but they did have principles) It was summer time and little Johnny Speck swam around all day just having fun. He was a pretty good little fish and he did go back to the nest with Momma and Poppa Speck every night. It was a good carefree life Johnny was living. One day he met another fish called Lenny Trout andthey became good friends. Lenny had a job working in the saw grass fields and always seemed to have plenty of fish chips to spend at the video arcade over in the bay. Johnny liked to watch Lenny play the games, but he just didn't have a large enough allowance to join in the fun very often. Johnny asked his poppa for more money, but Poppa Speck was a guard at the bait house and he just didn't have any more chips to spare, after all -- there were seven other little fish to feed and house.

Lenny told Johnny about a friend of his that had grabbed a woman's purse and got away with it. Johnny Speck decided he just had to have more chips to spend. He was swimming over by the supermarket one afternoon when Mrs. Perch came out of the market with her fins loaded with sacks of groceries. There was a purse dangling loosely from one fin. Johnny couldn't resist the temptation, he grabbed the purse and darted away. Ms. Perch had spent most of her chips in the supermarket, but Johnny took what was left and stuffed the purse beneath a log. Johnny headed for the video arcade and was busily engaged in an exciting game of Pac-Fish along side of Lenny whena big bullhead catfish wearing the uniform of the Fat Waters police came in and started talking to Johnny and Lenny. He asked them to go with him to the police station and they agreed to go along.

At the station, the bullhead asked Johnny and Lenny to wait in a room. There wasn't much in the room except a mirror on the wall and a long bench along one side. There were four other fish in the room with them, but Johnny only knew one of them, a long skinny fish by the name of Andy Eel. Shortly the big bullhead came in and told Lenny he could go home. Johnny asked him to swim over and tell Poppa and Momma where he was.

A young fish with a beard came in and asked Johnny to talk to him. He told Johnny his name was H. R. Salmon and that he was with the department of H.F.Y.F. (this stands for Help for Young Fish). Mr. Salmon listened to Johnny's story and thought perhaps he should be sent home to be taken care of by his parents. The bullhead catfish objected to releasing Johnny. He claimed Mrs. Perch had positively picked Johnny out of a lineup through a one way mirror and that the manager of the supermarket had seen Johnny dashing away with Mrs. Perch's purse and he knew who Johnny was. He said another friend of Lenny's had done the same thing in front of the market. After a long discussion they agreed to call in George Crappie, the local **Lake Attorney**. Mr. Crappie listened **to both sides of the story** and agreed with the bullhead catfish. Johnny **was taken to a dark** cage where he found the other youths who had been in the first room with him. Andy Eel explained to him that he would get another chance the next day.

That was a long and sleepless night for Johnny Speck. There was one little black and white television, but they turned it off before all the good shows came on. The other fish in the cage seemed to be very slimy was the thought that kept running through Johnny's mind. After a breakfast of tasteless oatmeal, Johnny was at last taken out and into the courtroom of Judge Bass.

Judge Bass told Johnny he would let him talk to an attorney. The officer working in the court called Barry Shiner. Mr. Shiner was one of the best attorneys in all of Fat Lake. After talking to the Lake Attorney and Judge Bass, Mr. Shiner told Johnny that not only had Mrs. Perch picked him out as the one who grabbed her purse, and that the market manager had seen the act, but also one of the fish chips Johnny had with him when the bullhead catfish picked him up was a keepsake Mrs. Perch had brought back from the Kissy River when she had gone there on vacation. It had a special mark on it which she remembered and had described to the officers.

Again Johnny went before Judge Bass and this time Mr. Shiner argued that he should be released to his parents, but Mr. Crappie again argued that this purse snatching just had to be stopped, and if it took an example of sending Johnny to the Fish Correctional School, then that must be done. It was a dark and gloomy mement when Johnny heard Judge Bass deny Mr. Shriner's request and ordered Johnny to be detained until further proceedings. Many things flashed through Johnny's mind. "Oh, why did I ever decide to grab that purse?" and "I really don't like to play Pac-Fish that well." And the cage door clanged shut behind Johnny. He now had to wait for another day to learn what would happen to him. "Oh," Johnny moaned, "This waiting is really the worst part of it, waiting and not knowing what is going to happen to me next!"

Now, let the class discuss Johnny's situation. What could happen to him? What could he have done to avoid his problem? Discuss the Juvenile Justice System in Florida. What were the other things that could have been done to or for Johnny by Bullhead Catfish, Lake Attorney, Judge Bass, and Mr. Crappie.

WHAT WILL JUDGE BASS DO?

Johnny Speck had only been in the cage at the Fat Waters lock up for 24 hours, but it sure had seemed a lot longer. Mr. Shiner seemed like a real friend. He was in to see Johnny bright and early. He had more bad news. He said he had talked with the Lake Attorney, Mr. Crappie, and that the Lake Attorney was insisting there be a juvenile court petition filed charging Johnny with being a delinquent. He explained that this would mean a hearing before the juvenile court with Judge Bass presiding. He assured Johnny that it would be no longer than three weeks away.

The hearing was set on the 21st of the month, just 18 days away. But what a long 18 days that was! Johnny was told this was called an arraignment hearing. A this arraignment Johnny could enter a plea of guilty or not guilty. Johnny knew he was guilty and he knew the officers knew he was guilty, so he told his attorney that he wanted to plead guilty. Judge Bass talked to him a long time and told him he didn't have to enter a plea of guilty, that he could have a hearing they called an "adjudicatory hearing." Mrs. Perch was there and so was the supermarket manager, and of course, the bullhead catfish. Mr. Crappie was talking for the victim, Mrs. Perce, and Mr. Shiner was talking in support of Johnny.

Judge Bass listened and listened, and asked some questions, and then he said he would schedule another hearing in two weeks and at that time he would let Johnny know what was going to happen to him. This was called a dispositional hearing, he said.

Mr. Shiner went with Johnny back to his cage. They sat and talked a long time. Mr. Shiner told him the judge could do a lot of different things. The best thing he could do would be to dismiss the petition the Lake Attorney had filed against Johnny. He could just sort of withhold his judgment and give Johnny a warning, or he could place him under the supervision of the H.F.Y.F. Another thing the judge could do would be to make Poppa Speck pay back Mrs. Perch for the money and purse she lost. Mr. Shiner also explained that Judge Bass could order Johnny be placed in a sort of foster nest or with some other group to take care of him, or place him on probation. The lawyer explained to Johnny that he could also be sent over to the court for big fish from which he might even be sent to prison. He said there was just a lot of things that could happen.

And Johnny thought, "I have another two weeks to worry about what is going to happen to me."

What do you suppose Judge Bass will do with Johnny? Let each student tell what he thinks should happen to Johnny. Should anything happen to Lenny? Who else is suffering in addition to Johnny?

NAME________________________________ TEACHER______________

SCHOOL______________________________ DATE________________

MAPPING THE CRIMINAL JUSTICE SYSTEM

You have studied the criminal justice system in Florida. Now it is time to show your understanding of the steps in this system. Begin with No. 1 (THE CRIME) and number the steps through to No. 13 (OUT-OF-THE-SYSTEM). Then, connect the steps in order by drawing arrows.

1. THE CRIME

_____. INITIAL (FIRST) APPEARANCE

_____. INDICTMENT

_____. ARREST

_____. PRELIMINARY HEARING

_____. BOOKING

_____. ARRAIGNMENT

_____. TRIAL

_____. SENTENCING

_____. PAROLE

_____. INVESTIGATION

_____. IMPRISONMENT

13. OUT-OF-THE-SYSTEM

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NAME ______________________ TEACHER ______________

SCHOOL ______________________ DATE ______________

MAPPING THE JUVENILE JUSTICE SYSTEM

You have studied the juvenile justice system in Florida. Now it is time to show your understanding by 1) numbering the blocks in the system from 1 to 10, and 2) drawing lines or arrows from one step to the next in the proper order. Begin with No. 1 (THE CRIME) and end with NO.10 (DISCHARGE; OUT OF THE SYSTEM)

1. THE CRIME

___. HRS INTAKE DETENTION SCREENING UNIT at the Youth Detention Center agrees with the officer to detain the youth

___. HRS PLACEMENT AND INTERNMENT IN A RESIDENTIAL PROGRAM ("treatment")

___. COMMITTED TO HRS CUSTODY and given a PLACEMENT SCREENING

___. COURT ARRAIGNMENT OR AJUDICATORY HEARING. Within 21 days of detention, the Circuit Court, Juvenile Division holds an Arraignment Hearing (if a guilty plea) or an Ajudicatory Hearing (if a not guilty plea). (Found guilty.)

___. HRS INTAKE, FIELD UNIT. Assesses the juvenile's situation and behavior, reports to the State Attorney with a recommendation. STATE ATTORNEY petitions the Circuit Court/Juvenile division for a trial....

___. POLICE OFFICE AT THE SCENE DETAINS THE YOUTH, THEN REQUESTS DETENTION

___. DETENTION HEARING, with 24 hours of the detention, the Circuit Court, Juvenile Division holds a detention hearing with HRS and State Attorney's recommendations (Agree to Detain)

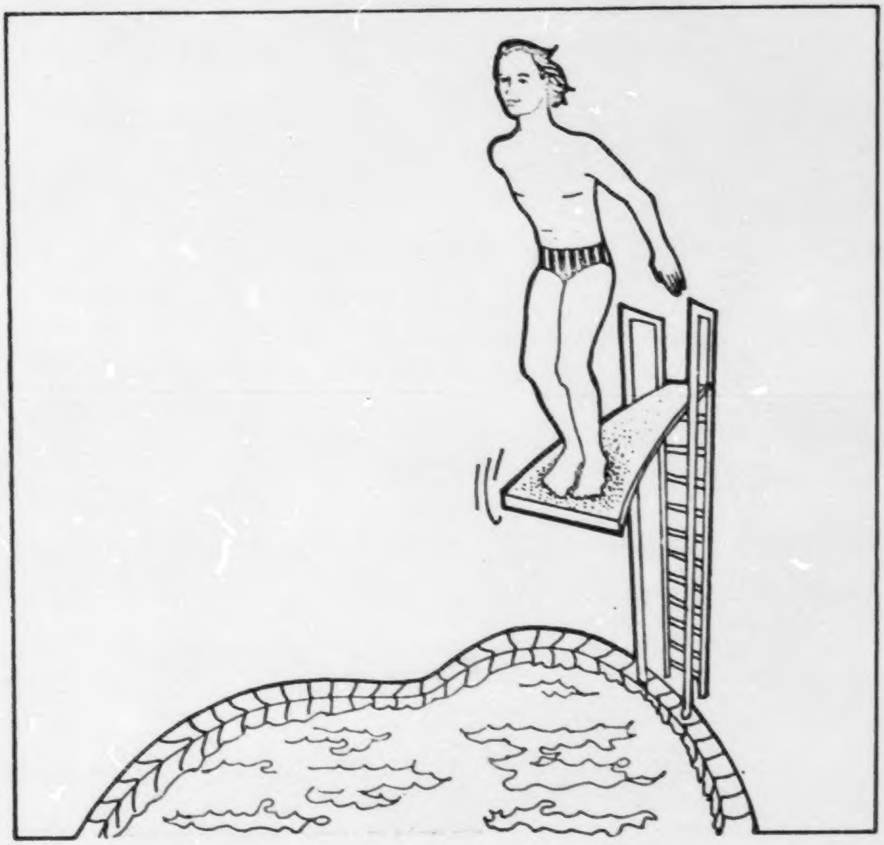
___. COURT DISPOSITIONAL HEARING, within 15 days the Circuit Court, Juvenile Division holds a Dispositional Hearing to "sentence" the youth (Commit to HRS custody)

10. DISCHARGE; OUT-OF-THE-SYSTEM

P.S.: This is a "severe" case where the youthful offender goes through the whole process.....but not serious for the State Attorney or Juvenile Judge to send the youth to the Adult Court System!

JUMPING INTO LAW EDUCATION:

STUDYING CRIMINAL LAW AND VISITING THE OKEECHOBEE COUNTY JAIL



The section on Criminal Law is reprinted from a booklet produced by Orange County Schools, Orlando, Florida. The forms from the Okeechobee County Sheriff's Department are useful for teaching basic skills, and for preparing for the tour of the jail.

THE CRIMINAL COURTS. N. Gary Holten, Ph.D. 1976 LEAA Grant
75-AS-06-310

I. CRIME

What is crime? It is behavior which a society finds so unacceptable, dangerous or evil that it is prohibited by laws enacted and enforced by government, and for which punishments are provided in the law. Florida law states that crime is "conduct that improperly causes or threatens substantial harm to individuals or public interest."

Criminal laws change as societies and governments change, but certain fundamental principles change little, and certain acts, such as murder and theft, have been treated as crimes throughout the history of civilization. The criminal law reflects current social thinking about what acts are harmful enough to be punished. The law describes or defines the harmful acts, classifies them by degree of seriousness, then provides punishments thought to be appropriate.

Degrees of Crime

In Florida there are seven degrees of seriousness of crimes from capital felonies to second degree misdemeanors. Each degree carries a different provision for the maximum sentence which can be imposed, but there is a minimum time to be served prescribed for only one: capital crimes. A table will illustrate the relationship between each of the seven degrees of crime and the punishments allowable for each under Florida law.

DEGREES OF CRIMES	STATUTORY PROVISIONS REGARDING SENTENCING			
	Maximum Sentence	Minimum Sentence	Minimum to Be Served	Fine
Capital felonies	**death**	life	25 years	--
Life felonies	life	30 years		--
1st degree felonies	**30 years**	indeterminate		$10,000
2nd degree felonies	**15 years**	indeterminate		$10,000
3rd degree felonies	**5 years**	indeterminate		$ 5,000
1st degree misdemeanors	**1 year**	none		$ 1,000
2nd degree misdemeanors	**60 days**	none		$ 500

There is an exception to the above sentencing schedule: any from among a list of "dangerous" felonies (such as arson, rape, robbery or burglary) committed with the use of a firearm carries a minimum sentence of three years with minimum service of the full three years before the offender is eligible for parole.

It is beyond the scope of this manual to describe which criminal acts belong in which category of seriousness because this is a complicated subject. The following are a few examples to illustrate the pattern.

1.) Capital felony: first degree, or premeditated murder;

2.) Life felony: sexual battery - a forcible rape - with a deadly weapon;

3.) First degree felony: strong-armed robbery;

4.) Second degree felony: aggravated battery - an attack which seriously injures the victim or in which a deadly weapon inflicted the injury;

5.) Third degree felony: carrying a concealed firearm; threatening with a deadly weapon;

6.) First degree misdemeanor: simple battery, such as a punch which doesn't seriously injure the victim;

7.) Second degree misdemeanor: a petit larceny such as a shoplifting or merchandise worth less than $100.

Specific Crimes

Many people are confused by some of the terms used in law to describe specific criminal acts. Perhaps we can clarify the meanings of some of the more common crimes which are committed.

Homicide is any killing of one person by another, but not all homicides are criminal. Most states including Florida recognize two types of non-criminal homicide: justifiable homicide, which is killing in self defense, and excusable homicide, which is a purely accidental one.

Criminal homicides come in four categories or degrees:
a.) first degree murder: a premeditated and deliberate killing;

b.) second degree murder: for example, an intentional killing which was not premeditated;

c.) third degree murder: a killing which was unintentional, but which resulted from the commission of a less serious crime;

d.) manslaughter: a killing which results from criminal negligence or the extremely careless act of another.

Assault and battery are often confusing terms:

a.) an assault: an intentional, immediate, present and believable threat to injure another;

b.) an aggravated assault: A threat made with a deadly weapon or during the commission of another felony such as a robbery;

c.) a battery: Thr striking or actually harming of another;

d.) aggravated battery: a battery intentionally causing severe injury to another, or an attack on someone with a deadly weapon.

Rape in Florida is now called sexual battery, and is defined as the oral, anal or vaginal penetration by, or union with, the sexual organ of another, or the anal or vaginal penetration of another by any other object. In other words, it need not be sexual intercourse, but may include any forced act involving the sexual organs or anus of either the offender or the victim. It is also notable that this crime need not involve parties of the opposite sex, but includes forcible homosexual acts.

The homicides, assaults and batteries are referred to as "crimes against persons", since they involve an attack of one or more persons on other human beings. But so does a robbery.

A robbery is the taking of money or other property from someone by force, violence, assault or putting the victim in fear. It is stealing, to be sure, but it is committed by some form of attack on the victim. The term, "robbery", is frequently misused, as in: "my house was robbed". A house, business, car or other object cannot be robbed - only people can.

This brings us to the category of "crimes against property". These are the crimes in which property is stolen, misused, damaged or destroyed. There are many such crimes in the law, but the most common ones are forms of larceny.

A larceny is the intentional and unlawful depriving, defrauding or taking of someone's property. The law describes several ways in which this can be done including by fraud of misrepresentation, by misappropriation of property or funds in one's trust, by shoplifting, or by threat or blackmail. The law provides that thefts of certain types of property (autos, boats, guns, etc.) or anything worth more than $100 is grand larceny (a third degree felony) while most thefts of property worth under $100 are petit larcenies (second degree misdemeanors).

Other categories of property crimes include various types of fraudulent practices which include all forms of misrepresentation, false impersonation, false paperwork, false charges for services, etc.

Burglary is a special case. It is defined as illegal entry or presence in a structure or vehicle with the intent to commit an offense. That other offense is usually some sort of theft, but may not be. If a person breaks into a house to beat up someone a burglary has been committed.

In addition to crimes against persons, and crimes against property, there are the vice crimes such as illegal gambling, prostitution, pornography, and illegal possession, use or sale of narcotics, and drugs. Many of these crimes are often referred to as victimless crimes due to the fact that the persons who engage in them are said to be "willing" participants, and there are no victims who are aware of their victimization or who will complain about the crime. Law enforcement officials point out that many people are victimized whether they realize it or not, that these crimes breed other crimes against property or persons such as robberies and larcenies, and that money made through vice crimes usually fattens the treasuries of organized crime.

Let us conclude this part of our discussion by saying that no matter what crimes the legislature defines and whatever the punishments it provides for violations, it is the responsibility of the criminal justice agencies to enforce the law and process those accused of violations.

II. CRIMINAL JUSTICE AGENCIES

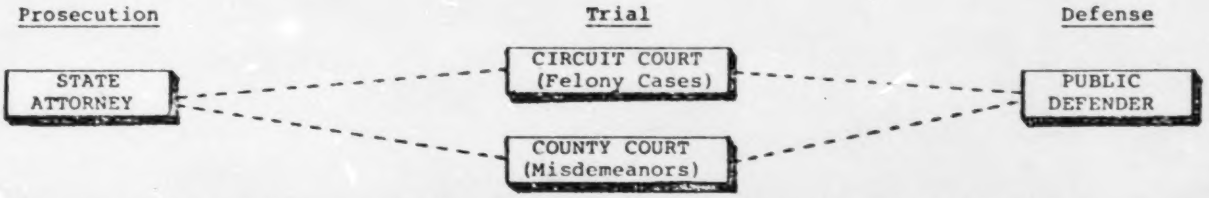
There are four basic parts to the Florida Criminal Justice System: law enforcement agencies, the offices of prosecution and defense, the Court and corrections agencies. Orange County is part of the Ninth Judicial Circuit which also includes Osceola County. In Orange County, there are nine municipal police departments, the Sheriff's Office, and various state and federal law enforcement agencies. The Federal agencies, such as the FBI and the Drug Enforcement Agency, may take cases to either the Federal prosecutors and courts or refer cases to the state courts for prosecution. Virtually all the cases originated by the state and local law enforcement agencies are handled by the state.

The State Attorney is the prosecutor for the Ninth Judicial Circuit including Orange County. His office is staffed with Assistant State Attorneys, investigators, and other support personnel. It is the State Attorney's function to review all cases, file whatever charges are deemed proper, and prosecute the persons charged in court.

Defense services are offered by private attorneys who are retained by defendants or who are appointed by the court, and by the Office of the Public Defender. The "PD" is employed in cases where the defendant is ruled indigent by the court, or able to pay only a nominal part of the cost of his or her defense. He has a staff of Assistant Public Defenders, investigators and other personnel to handle these cases.

The criminal courts are organized into two levels: Circuit Court for the Ninth Circuit processes all cases involving felony charges; County Courts handle all misdemeanor cases and traffic violations in which the accused indicates he or she wants a trial.

The relationship between the State Attorney, the Public Defender and the criminal courts can be illustrated as follows:



The corrections component consists of three major agencies: the Sheriff's Division of Corrections, the Florida Parole and Probation Commission, and the Florida Department of Offender Rehabilitation. The Sheriff's department operates the County Jail and the so-called "prison farm" These are used to detain suspects for trial and to house persons convicted of misdemeanors and sentenced to periods from 30 days to one year in jail.

The Parole and Probation office operates three programs: 1.) presentence investigations of convicted persons which may help judges determine proper sentences; 2.) supervised probation of persons convicted of felonies; 3.) supervised parole of persons placed on parole from state prisons by the Parole Board.

The Florida Department of Offender Rehabilitation operates the medical and reception center at Lake Butler, the maximum security prison at Raiford, and various medium security facilities throughout the state.

In Orange County there are additional facilities and programs operated by the Orange County Office of Court Alternatives. Most of these programs are not available in other counties in Florida. They include: 1.) "quick-release"-a program to gain pretrial release of arrestees who cannot afford bail but are determined to be good release risks after an interview and a background check; 2.) pre-trial diversion- a program to provide tightly supervised alternative programs rather than prosecution of younger first offenders whose crimes are minor and non-violent;

3.) misdemeanor supervised probation- a probation program for persons convicted of misdemeanors; 4.) the Court Alternatives Center- a community corrections center and half-way house stressing gainful employment for persons not suited for straight probation, but not deemed dangerous enough for state prison facilities; 5.) re-entry services- a program of various services to inmates and their families to ease a convict's re-entry into society.

Thus this Court Alternatives project is involved in both the courts and corrections phases of criminal justice in Orange County. As a unique combination of non-traditional programs, it has had marked success in providing alternatives to the standard overloaded criminal justice process. Remarkably few persons who have been through one of its programs have committed subsequent criminal offenses.

Still another project designed to relieve the criminal caseload and provide better handling of certain problems is the Orange County Bar Association's Citizen Dispute Settlement program. This effort involves volunteer attorneys who act as hearing officers to try to settle family and neighborhood disputes into which police have been called. This brings quick resolution to many of these conflicts without anyone having to be prosecuted.

This survey of criminal justice agencies and examination of non-traditional projects sets the stage for a discussion of the processing of criminal cases in Orange County.

III. ARREST AND DETENTION

The Role of Police

What happens when a crime is committed?

Crimes come to attention of law enforcement officials by three means:

1. A police officer witnesses the crime or its results.
2. A citizen makes a complaint to police or the State Attorney.
3. A law enforcement investigation of suspicious activity discovers evidence of a crime.

Unfortunately, many crimes never come to the attention of officials, and many reported crimes are not "solved" - i.e., no suspect is arrested. Police officers, detectives, investigators and agents cannot be everywhere, and constitutional guarantees of our civil liberties prevent law enforcement from making full use of techniques which violate our rights as citizens - unlimited "bugging," random searches without warrants, "third degree" interrogations of suspects, for example. It is the duty of the courts to prevent illegally obtained evidence or confessions from being used by the prosecution.

Since law enforcement powers are limited, most crimes come to official attention only through citizen complaints and reports. When witnesses to or victims of crimes fail to report crimes, they are usually ignored by the system.

At the same time, there are many cases in which crimes or alleged crimes are reported by citizens and either the police or the State Attorney are unable to pursue the investigation to a "solution." Law enforcement resources - money, people, equipment and facilities - are limited and these resources are devoted to crimes considered serious.

Homicides or crimes against persons in which someone was seriously injured get primary attention. In property crimes, the number of victims and the value of property taken or destroyed may determine how much effort can be made to solve them. It is in the vice crimes and family-related offenses where the greatest selectivity is exercised. Officials are usually unwilling to become involved in what amounts to a family dispute among adults over property or marital fidelity or some other matter which should be settled privately or through the intervention of another non-criminal agency such as Division of Family Services or a marriage counselor. Many acts which technically are crimes are also civil offenses, and whenever possible law enforcement officials will urge the use of civil remedies. There is enough serious crime around to keep police and prosecutors busy, and involvement in the essentially "private affairs" of citizens is not usually productive for either law enforcement or the public.

Discovery and verification of a crime is one thing; "solving" the crime is often another. If police did not observe the criminal act, they must rely on witnesses or victims' testimony, and/or upon physical evidence at the scene to arrive at a suspect or suspects. Whatever the source of facts, if the police have probable cause to believe that a certain person committed a crime, they may seek the arrest of that person. If they nab him or her at the scene, they may arrest immediately. If the crime was a felony, they may arrest at any time thereafter, but in most misdemeanors, police need a warrant to arrest a suspect at a later time.

There is a common misconception that an arrest must be accompanied by the reading of the Miranda rights to the accused in order for that arrest to be valid. This is not the case. Neither is it true that an admission made spontaneously before the Miranda rights are read is inadmissable at trial. A confession blurted out by a person who is arrested can be used against him whether or not his rights were read to him. What the Miranda decision does require is that police read the accused his rights before they engage in custodial interrogation, that is, questioning the accused after they have taken him into custody. Only those confessions obtained by interrogations without Miranda warnings being given are inadmissable in Court.

A person who is arrested is taken to the jail and booked. A booking is the making of a sworn accusation by the arresting officer against the person arrested. It states the crime or crimes for which the arrest has been made. At the time of booking, bail is tentatively set from a schedule posted on the jail wall. This is an amount the accused would have to put up in order to bond out of the jail pending further action on his case. Among the other things done during booking are the taking of fingerprints from and photos of the accused and the filling out of an identification form. Unless he is posting bond immediately, the accused person's belongings are secured and he puts on a jail uniform.

Arrest and booking are followed by two separate and distinct processes. One deals with the pre-trial status of the accused--i.e., shall he remain in jail pending action on his case? The other process deals with the case itself--i.e., shall this person be formally charged with a crime and made to answer for that crime in court?

Status of the Accused

Within twenty-four hours, all persons arrested who have not bonded out are brought before a county judge for their initial appearance. The judge makes sure the accused understand the reasons for their arrests and their rights, and establishes formal bail amounts for each of them. The bail figure is seldom any different from those posted on the jail schedule, but it can be raised or lowered by the judge. In most cases the accused does not enter a plea at this point since no formal charges have as yet been filed. The exceptions to this rule are traffic cases (the citation is a charging instrument) and those misdemeanors in which a police officer's sworn complaint originates formal charges. In these cases the judge will accept a plea. Indigent defendants whose cases are not disposed of by a plea are allowed to sign an affidavit in which they swear they cannot afford to hire their own attorneys. The Public Defender is then assigned to these defendants.

At this point defendants who were arrested for criminal acts which carry a bail figure (all crimes except capital felonies) and who must await action by the State Attorney on their cases are presented with four options:

1. They may post bond and leave. Those who are able to do this have the entire amount returned to them after they have completed all court appearances.

2. They may contract with a bail bondsman (a private businessman) to provide bail money in return for a fee of ten percent of the bond amount. This fee is not returned regardless of the outcome of the case.

3. They may seek release on their own recognizance ("ROR"). This is available to persons with strong community ties (official residence, a job, etc.) who have not been charged with violent or very serious crimes. Orange County has a new "quick release" program in this category which has been very successful. It's "clients" have a higher appearance rate than those released on bail, and it allows them to remain at work and at home to keep the family together and out of further financial difficulty.

4. They may stay in jail. Those who have committed capital felonies have no other choice, but many persons whose crimes carry very high bonds have little effective choice, either.

All persons who cannot be bonded out or "RORed" and who remain in jail are entitled to probable cause hearings within 72 hours of their arrest. At these hearings the judge decides whether or not there is sufficient probable cause to continue to hold the accused until the State Attorney decides what he will do with their cases.

All persons held in jail on felony charges after twenty-one days, and who have not as yet been arraigned on formal charges filed by the State Attorney, are entitled to a preliminary hearing. The purpose is for a judge to determine whether or not there is enough probable cause

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to bind over the defendant for further action. At this hearing the state (and the defense if it desires) presents evidence and arguments. Even if the judge finds there is not enough probable cause to hold the defendant and decides to "dismiss" him from custody, this does not free the defendant from possible prosecution. It simply means that until formal charges are filed and the defendant brought in for arraignment, he may remain at large.

IV. THE FILING OF CRIMINAL CHARGES

Having examined the arrest and pre-trial status of the accused, let's turn our attention to the progress of the case itself.

State Attorney Intake

The State Attorney's office has a Criminal Intake Division. This division is staffed with Assistant State Attorneys and investigators whose major duty it is to screen all cases and complaints. Most matters come to the State Attorney from law enforcement agencies. Citizens who have complaints or who wish to report a crime should always call the police (whether the Sheriff or one of the city departments) first. Some types of complaints, however, can be taken directly to the State Attorney, especially those involving consumer frauds, bad checks and political corruption.

Police present their cases to the State Attorney's Intake officers. Booking reports - sent over from the jail - must be backed up with arrest reports, and other solid evidence to support prosecution. Such material must include written sworn-to statements called affidavits from arresting or investigating officers, and may include such other matters as statements from witnesses, lab reports on the analysis of any physical evidence, or medical examiner's reports on sexual assaults on or other injuries to victims.

When the State Attorney's office has all the facts needed to decide what to do with a case, a charging decision is made. The Intake Division has five basic options from which to choose:

1. It may file an information (a document containing formal charges) charging the accused with the same crime or crimes contained in the police booking report;

2. It may file an information charging the accuse with something different than what was on the bbooking report if the facts support such different charges;

3. It may file a no information statement (called a "no bill") stipulating that the person detained will not be charged and should be released from custody;

4. It may refer the case to the grand jury for its consideration (this must be done in cases involving capital felonies);

5. It may, in carefully selected cases, allow pre-trial diversion of the accused and defer the prosecution decision until the person demonstrates his or her willingness to lead a productive, law-abiding life.

When confronted with a case in which the accused clearly does not deserve diversion and a decision on whether or not to charge with a specific crime must be made, the Intake Division considers several factors. The primary one, however, is whether the case meets the standard mandated by the Florida Supreme Court: does the evidence make the charges provable beyond and to the exclusion of every reasonable doubt and to a moral certainty? In other words, accused persons shall be charged with only those offenses for which they are convictable on the available evidence. This "provable beyond a reasonable doubt" standard is in sharp contrast to the "probable cause" standard used by police in making arrests. A perfectly proper, and even necessary, arrest may not result in a prosecutable case, and the Intake Division rejects cases which do not meet the standards it must apply.

The Role Of The Grand Jury

As we mentioned, cases may be--and in some instances must be--referred to a grand jury. This is a body of twenty-three citizens chosen in the same manner as prospective trial jurors, i.e., from the lists or registered voters. (Elected officials are disqualified by law from service, attorneys are exempt, and other persons are sometimes excused from jury duty.)

Once a grand jury is impaneled (selected and sworn in), it may be called into session at any time during the next six months by the State Attorney or by the foreman appointed by a judge. Fifteen members constitute the quorum necessary to conduct business. The grand jury meets in secret sessions to consider cases or other matters presented by the State Attorney, and it has the authority to conduct its own independent investigations. By a majority vote of twelve it decides which of the following actions to take: 1) issue reports which contain no criminal charges; 2) issue true bills of indictment which formally charge persons with crimes; or 3) drop cases referred to it by issuing notices of no true bills. A grand jury indictment, by the way, has the same authority as an information issued directly by the State Attorney.

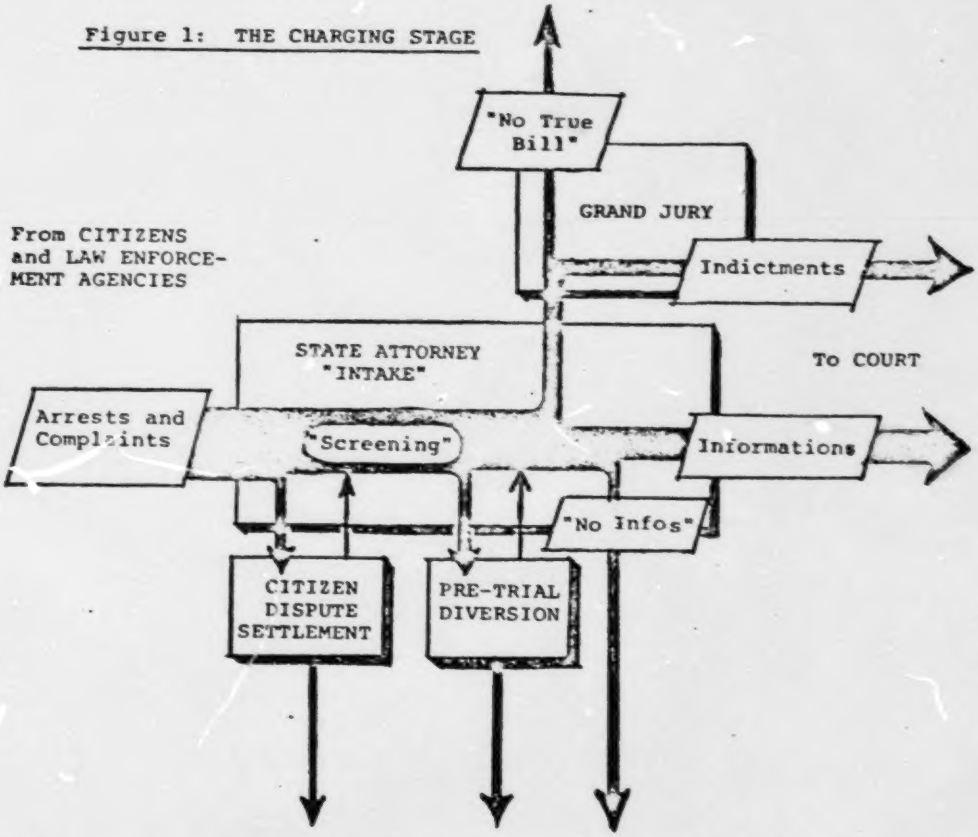
"At Large" Cases

Sometimes persons are charged in an information or an indictment who have not been arrested. This can occur in any type of case, but is most common when police, the State Attorney's office, and/or the grand jury have been conducting an investigation into a criminal conspiracy--such as a stolen auto ring or the gambling operations or organized crime groups--or other "unsolved" crimes. If the charges filed are for felony crimes, the Clerk of the Court issues a capias (an arrest warrant) for the person named. If there are only misdemeanor charges filed, the person named is generally given a summons to appear at the arraignment, and is allowed to remain at large.

Persons arrested only after formal charges are filed by indictment with the court are not entitled to probable cause hearings since the grand jury indictment itself establishes the probable cause. Neither are there preliminary hearings in such cases. In "at-large" cases filed on by an information, however, defendants are entitled to probable cause and preliminary hearings after their arrests. Following the filing of formal charges, the next court event is the arraignment.

A flow chart illustrating the progress of a criminal case through the charging process is in Fiture 1.

Figure 1: THE CHARGING STAGE


"No True Bill"
GRAND JURY
From CITIZENS and LAW ENFORCEMENT AGENCIES
Indictments
STATE ATTORNEY "INTAKE"
To COURT
Arrests and Complaints
"Screening"
Informations
"No Infos"
CITIZEN DISPUTE SETTLEMENT
PRE-TRIAL DIVERSION

Cases Out of th Criminal System

V. ADJUDICATION: PRE-TRIAL STEPS

Having discussed how charges are filed, we can now consider what follows up to the conduct of a trial. We shall include a discussion of disposition without a trial.

Arraignment and Motions

The arraignment is the procedure in which the defendants are brought before the judge, and the formal charges contained in the State Attorney's information or the grand jury indictment are read to them. They are asked if they have a lawyer or need one appointed. Once legal counsel is provided, defendants are asked to enter a plea: guilty, not guilty, or nolo contendre (no contest). Defendants may waive arraignment and enter not guilty pleas by correspondence.

A plea of guilty or no contest results in the judge scheduling the defendant for sentencing and, usually, requesting a pre-sentence investigation of the background of the accused by the local office of Parole and Probation. A plea of not guilty results in scheduling the case for trial.

In the period of time between a not guilty plea and the opening of trial, any number of events can take place. Among these events are various motions and hearings on motions. They include the following examples:

1. Demand for discovery. Under Florida law each attorney is entitled to certain information (lists of prospective witnesses, the right to examine physical evidence, etc.) from the other side. These demands are filed automatically with each other's office and mutual exchanges of this information takes place without an order from the judge. The attorneys may even interrogate each other's witnesses, though the prosecutor may not question the defendant without the express approval of the defense attorney.

2. Motion for Suppression. If the defense thinks the state wants to use inadmissable evidence against his client (evidence which was illegally seized) he seeks a ruling from the judge "suppressing" that evidence, i.e., not allowing it to be used in trial. Of course, the judge may either agree or disagree with the defense contention, thus grant or deny the motion.

3. Motion for Change of Venue. If the defense attorney believes that his side cannot receive a fair hearing by jurors drawn from the locale where the trial would be held, he moves for a removal of that trial to another locale where jurors are less likely to be prejudiced. A recent example of this motion being granted was in the W. T. Ziegler murder case in which the trial was moved to Jacksonville.

4. Motion for Continuance. If either attorney needs more time to prepare his case than the trial date allows, he may move for a continuance (or postponement) of the trial to a future date. The judge may grant or deny the motion, or may even continue the trial without a motion from either side if the court's own workload becomes too great.

5. Motion for Reduction of Bond. If the defense believes the amount of bond the defendant must post to be released from jail pending trial is too great, he moves for a reduction. He may make the same motion if the accused is held on no bond in order to get some chance of gaining the pre-trial release of his client.

6. Habeas Corpus Proceedings. In cases where the accused is held on no bond or a very high bond and the judge of the criminal court refuses to set or lower bond, defense may go to the next highest state court to get an order to set bond on the grounds his client is being unjustly kept in custody. The granting of such an application and the issuance of such an order is unusual, but it is a protection which can be important in a few cases.

These are some of the most common or important motions and proceedings which can occur prior to trial, though there are others which may enter into unusual situations.

Plea Negotiations

The best known activity which preceeds most criminal trials is the conduct of negotiations between the state and defense over the possibilities of a pre-trial disposition of the case and a guilty plea from the defendant. Commonly known as "plea bargaining," this process involves the exchange of a guilty plea by the defendant to some charge in return for one of the following from the prosecutors:

1. The entry of a nolle prosequi ("nol pros" or dropping of) a charge or charges which are in addition to the one to which the defendant pleads guilty;

2. A reduction of charge or charges from one class to another which carries lighter penalties;

3. Assurances from the prosecutor that he will not oppose imposition of a lower penalty

for the charge pled to.

The real aims of virtually all bargaining from the defendant's point of view are to obtain the lightest penalty possible for his offense and to eliminate the uncertainty he has over his eventual fate. From the prosecutor's point of view, the things to be gained from a plea agreement could include any or all of the following:

1. The avoidance of a trial in which a complete acquital is possible because the evidence is not as strong as it should be to assure a conviction;

2. A promise from the defendant in the case to cooperate with the state in the solution of other crimes and prosecution of other cases about which he has knowledge; and

3. A sentence of the defendant to a penalty no less just or severe than would have resulted from a verdict of guilty to all original charges filed;

Another benefit the defendant may receive is the avoidance of a criminal record. Some defendants do not deserve to carry such a record throughout the rest of their lives. This last benefit is possible due to the power of judges to with-hold adjudication of guilt from persons who plead guilty to some types of crimes--a procedure to be explained later.

There are good and just reasons why many cases should be disposed out of court--good and just from the perspective of all concerned in the matter. The State Attorney of this Circuit forbids plea bargains which simply serve to dispense with cases, and "deals" in which defendants plead guilty to charges which do not at all fit the facts of the criminal incident. He also forbids his assistants from engaging in sentence bargaining--deals in which prosecutors promise a certain sentence or penalty in return for the plea. Judges sentence--prosecutors do not.

It is true that about 85 percent of Orange County's felony defendants plead guilty, and that an even higher portion of misdemeanor cases end in guilty pleas. However, it is also true that almost two-thirds of the felony defendants plead to the highest (or most serious) charge filed, and that most pleas are entered without any concessions being made by the State Attorney's office.

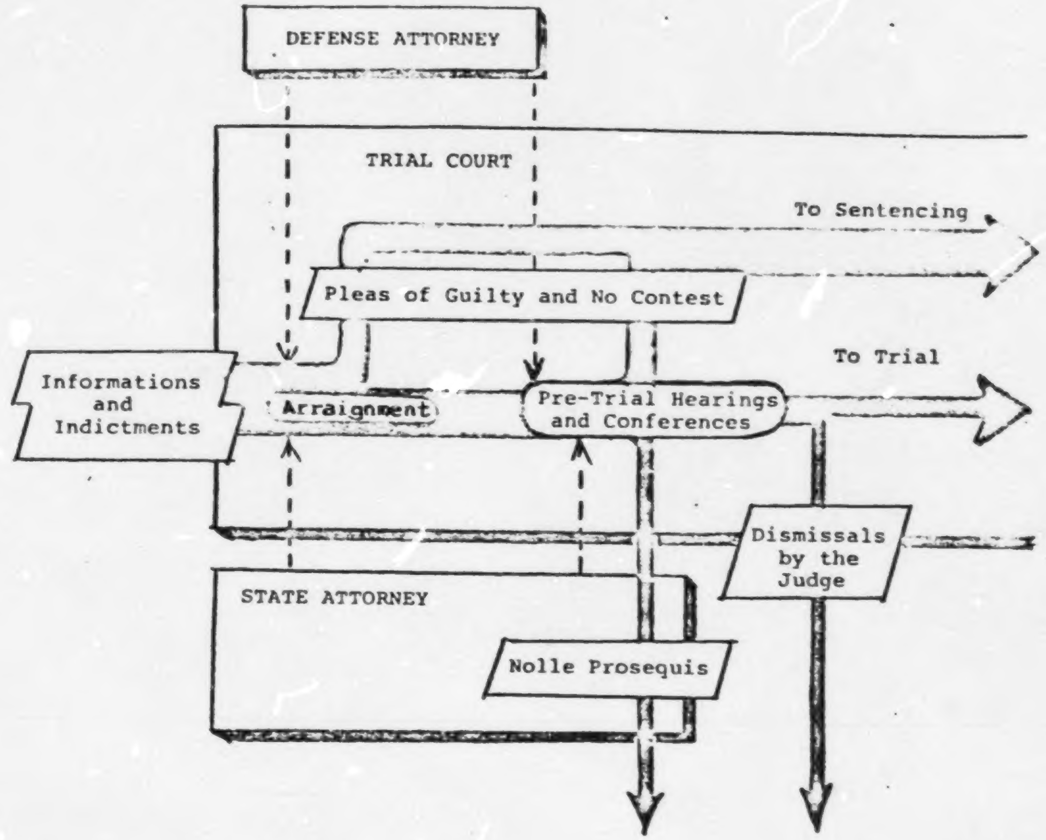
Finally, it is also true that a much higher percentage of cases could not go to trial without a dramatic increase in the number of prosecutors, public defenders, judges, courtrooms, and other personnel and facilities. Citizens may not like the idea of plea bargaining, but taxpayers could not afford the costs of a system which forbade it.

"Nol Prossed" Cases

We must mention another possible outcome of a case--the dropping of the entire matter by the State Attorney by means of a Nolle Prosequi ("nol pros") of all charges filed. This does happen in about 5 percent of cases filed, and occurs for any of several reasons including the following: 1) evidence is discovered which indicates the defendant is innocent--(this is called exculpatory evidence); 2) evidence thought strong at charging turns out to be not so strong upon reevaluation or return of lab reports, etc.; 3) essential witnesses disappear or refuse to testify against the defendant; or 4) the defendant agrees to cooperate with law enforcement against other more dangerous offenders.

A flow chart illustrating the adjudication of a case is provided in Figure 2.

Figure 2: **ADJUDICATION: PRE-TRIAL STEPS**


DEFENSE ATTORNEY
TRIAL COURT
To Sentencing
Pleas of Guilty and No Contest
To Trial
Informations and Indictments
Arraignment
Pre-Trial Hearings and Conferences
Dismissals by the Judge
STATE ATTORNEY
Nolle Prosequis

VI. ADJUDICATION: A CRIMINAL TRIAL

Cases which are not "pled out" or "nol prossed" go to trial. Unless there have been continuances granted to the defense, a trial must begin withing 90 days of the arrest of the accused if he is facing misdemeanor charges, and within 180 days of arrest on felony charges. These limits are established in Florida's "speedy trial" rule which prevents persons having to wait up to a year or more to be tried---an ugly situation which does exist in many places in the U.S.

The defendant has the right to choose between trial by jury and a trial in which the judge renders the verdict. The majority of trials are before juries. Therefore jury selection is the first step in the conduct of most trials.

Jury Selection

Citizens are summoned for jury service from lists of registered voters. The assembled citizens comprise a venire (jury panel). A group is selected randomly for possible use in each trial. The members of that panel are sworn in and then questioned by each attorney in an effort to obtain a fair and impartial jury for the trial. This questioning is called a voir dire--a fact finding. Each attorney has a certain number of preemptory challenges of jurors depending upon the class of the crime. This means they may simply dismiss a certain number of prospective jurors without stating any reasons for their dismissal. In addition the attorneys may each challenge would-be jurors for cause, that is, say: "Your honor, I challenge Mr. Smith on the grounds he has indicated prejudice against my client," or "...against the state in this case." The judge may grant or deny each challenge. If the judge denies it, the attorney may then use one of his preemptory challenges to dismiss that juror. Jury selection can be a long and tedious process in cases which have received publicity in the media of the county.

Six jurors are needed to try all cases except capital felonies. If the life of the defendant is at stake, twelve jurors are required. An alternate is selected to serve with each six jurors so that there are two alternates in capital felony trials. These alternates become jurors if a regular juror has to be excused during the trial.

Case Presentations

Once a jury is seated and sworn in, the presentation of the case begins. The attorneys, beginning with the prosecutor, present opening statements in which they outline what they intend to prove or convince the jury happened. Such statements by the attorneys **are not evidence.** Evidence is presented only be sworn witnesses, and consists of either their personal recollections of what happened, or of physical evidence which law **enforcement witnesses bring with them.**

The state's case, consisting of his witnesses' testimony and physical evidence, is presented first. Each witness is examined by the prosecutor and cross-examined by the defense attorney. There may be re-examinations and re-crosses. During the examinations of witnesses, the attorney doing the questioning must abide by very strict and specific rules regarding the matters he or she may ask about and how the questions may be phrased. If any of these rules are violated in the view of the other attorney, an objection is made and the judge rules on whether the question may be answered by the witness. If the objection is sustained, the witness may not answer; if overruled, the witness must answer the question.

The attorneys may also object to the acceptance of certain physical evidence for consideration on any number of grounds. The most common ones are: 1) that it was "illegally seized;" 2) that there was not a "proper chain of custody" on it (which means police did not document who had possession of the evidence at every step of its analysis and cannot swear it was not tampered with); or 3) that it was not properly subject to "discovery" (which means their side did not get an opportunity to examine it) prior to trial. Again, the judge may accept or reject such motions. If he rules favorably on such an objection, the evidence may not be considered by the jury.

Once the state's case is fully presented, the prosecutor says: "The state rests, your honor." At this point the defense automatically moves for a directed verdict of acquital on the grounds the state's case does not justify a conviction. If the judge agrees (they do so rarely), he acquits the defendant from the bench and the jury is dismissed. If he does not, he denies the motion and the defense is called upon to present its case. Again, witnesses and evidence are submitted, and the prosecutor has the right to cross-examine witnesses and to object to submission of evidence.

After the defense rests its case, it may move again for a directed verdict. If again denied, the attorneys and the judge go into conference to prepare the instructions to the jury.

Rendering of a Verdict

The judge instructs the jury in the law they are to apply to the case in rendering their verdicton the defendant. While throughout the trial it is the judge who decides the issues of law and legal procedure, it is the jury which decides the issue of fact: is the defendant guilty or innocent? In order to render this verdict, however, the jury must understand that their verdict is a judgment that the defendant is guilty or innocent in law. The most important rule is, of course, that they must presume the defendant innocent until proven guilty beyond and to the exclusion of all reasonable doubt. Jurors cannot convict someone on their belief he or she might be guilty or is probably guilty. The accused can be found guilty only if jurors are certain of his guilt beyond all reasonable doubt, and this point of law must be made clear to them in the judge's instructions.

Once the jury is instructed, the alternate is dismissed, and the jurors are sent to the jury room to undertake their deliberations. They first select a foreman from among themselves, then deliberate until they reach a unanimous decision on a verdict. If a jury becomes hopelessly deadlocked, and its members cannot or **refuse** to agree on a verdice, then the judge may declare a mistrial and dismiss the jurors. This happens very rarely, but if it does, the state must decide whether to try the case again or not.

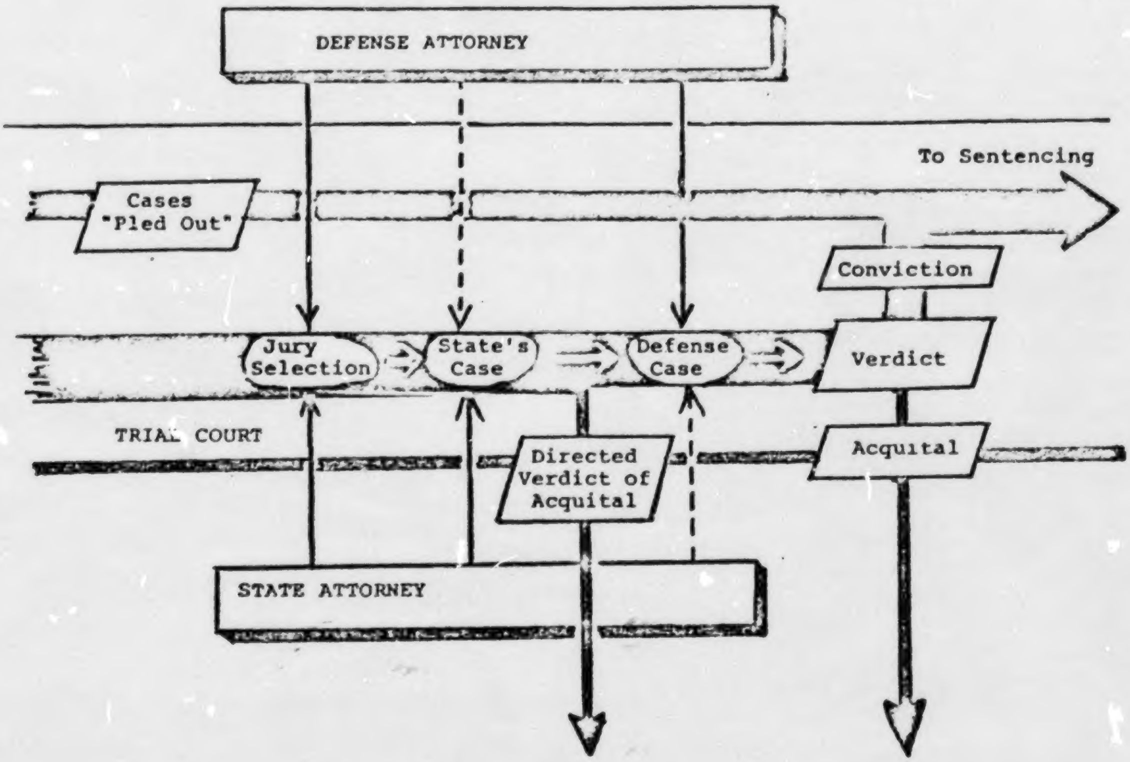
If a verdict is reached, however, the foreman presents it to the clerk who reads it in open court. An acquital--a verdict of not guilty--results in the discharge of the defendant. A conviction--a verdict of guilty--results in the judge scheduling time for sentencing or requesting Parole and Probation to conduct a Pre-Sentence Investigation of the defendant.

Adjudication of the Defendant

There is one other important point to note here. The judge adjudicates the defendant--i.e., formally declares whether he is legally guilty or not. He cannot convict or adjudicate a defendant guilty if a jury has voted for acquital, but he does have the authority to withhold adjudication of guilt from those whom the jury has found guilty. As a practical matter, judges very rarely withhold adjudication from those convicted by juries, but they frequently do with defendants who have plea guilty, especially if the crime was non-violent or this was the defendant's first conviction. Withholding adjudication of guilt is of some benefit to a defendant, but it does not result in th release of the individual. He or she may still be sentenced to a period of probation and/or fined. But this is our next topic.

A flow chart illustrating trial adjudication is provided in Figure 3.

Figure 3: ADJUDICATION: A CRIMINAL TRIAL


DEFENSE ATTORNEY
To Sentencing
Cases "Pled Out"
Conviction
Jury Selection
State's Case
Defense Case
Verdict
TRIAL COURT
Directed Verdict of Acquital
Acquital
STATE ATTORNEY

VII. AFTER ADJUDICATION: SENTENCING AND APPEALS

Having seen how cases are processed and defendants are adjudicated by the court, we turn now to sentencing, post-trial motions and appeals of cases to higher courts.

Sentencing

The authority to pass sentence is entirely that of the judge. In most cases a pre-sentence investigation is performed on the background of the defendant, and a report is submitted to the judge for his consideration in sentencing. In capital felony cases only, a sentencing hearing follows the trial conviction. At this hearing the same jury which returned the trial verdict of guilty hears additional testimony and argument. Its members render a sentencing recommendation by majority vote as to whether the defendant should be sentenced to death or to life imprisonment. In the final analysis, however, it is the Judge who decides what sentence the convicted person will serve.

The sentence must, of course, be within the limits established by law. A judge cannot sentence a person who is convicted of unarmed burglary to life in prison, nor send a shoplifter to Raiford for fifteen years. (See the table in Part I on Crime.) But the limits set forth in the statutes are very broad indeed, and Judges exercise a good deal of discretion in sentencing. In choosing from among various possible alternatives, judges attempt to "individualize" justice--that is, make the punishment fit the offender as well as fit the crime.

Among the decisions the judge may make are the following: 1) in cases involving more than one crime committed by the same offender, shall the sentences for each crime run consecutively (one after the other), or concurrently (all together); and 2) shall the offender be incarcerated, placed on probation for a specified period of time, made to pay a fine, or some combination of these penalties? Within the maximums established for each class of crime and the couple of minimums prescribed by the statutes, judges render a decision which is as important as the decision of the police officer as to whether to arrest to initiate a case, and the decision of the prosecutor as to with what, if anything, to formally charge the accused.

In many cases the judges decide that probation is the best approach. Misdemeanor probationers are supervised by Orange County Court Alternatives personnel; felony probationers by Parole and Probation officers. Probation, however, is a status that keeps the person within the jurisdiction of the Court. If probationers fail to keep their promises or abide by the terms of probation, the judge who handled their case may revoke probation and impose a jail or prison term which his original crime justifies.

Revocation of probation usually involves an accusation made by the person's probation supervisor and a hearing before the judge at which prosecutor and defense attorneys present some evidence and testimony. Often the reason for the revocation is the arrest of the person for another crime. In these situations probation revocation proceedings are sometimes used instead of full trial on the new crime. The defense can insist on a trial on the new charges. Even if his client is acquitted however the revocation may still stand. If convicted, on the other hand, not only the original but an additional sentence in custody may be imposed.

A person who is sentenced to state prison comes under the full jurisdiction of the Florida Department of Offender Rehabilitation. Any decisions regarding his future rests with this state agency and the Parole Board of Florida, and he is no longer subject to the jurisdiction of the court which tried and sentenced him. At the same time, the defense attorney and prosecutor may be called upon to submit information and recommendations to the Parole Board to assist it in making a decision.

Post-Trial Motions

There are several steps which can follow a trial besides sentencing and processing of the convicted persons by corrections agencies. The defense attorney has several motions he may make which require responses from the State Attorney and decisions by the judge.

A motion for a new trial is based on various claims of improper procedure, discovery of new evidence, improper jury action--such as voting by lot--and other flaws in the trial.

A motion In Arrest of Judgement asks the court's verdict be set aside because of some basic flaw in the charging instrument, because the trial court did not have legal jurisdiction, or the verdict of the jury was uncertain or improper. i.e., in violation of their instructions.

A motion for post-conviction relief is a motion to vacate (cancel), set aside, or correct the sentence on any of several grounds of violations of defendants' rights.

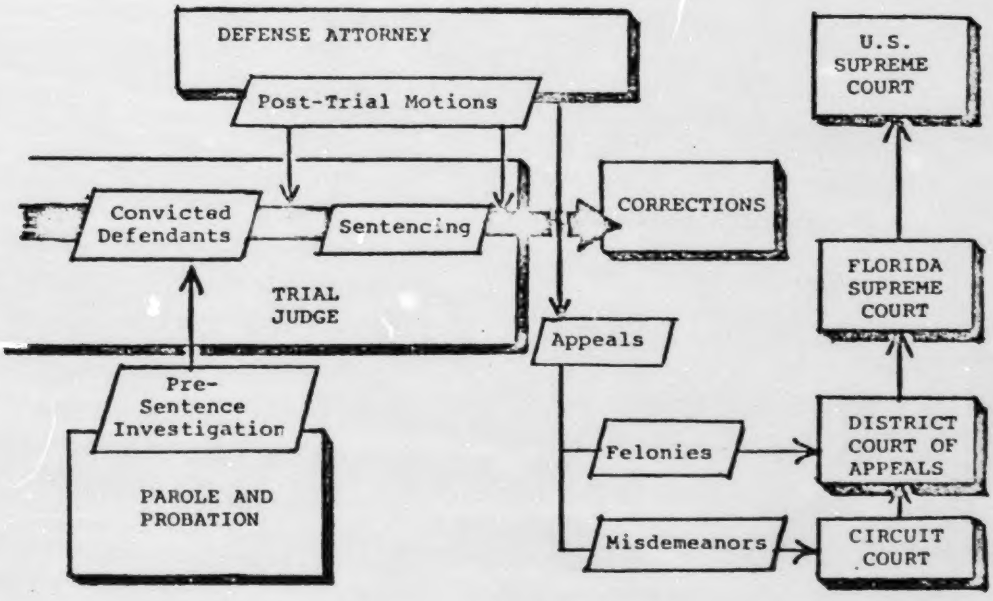
The judge must act on any of these motions, and may schedule a hearing on either of the last two. A denial of these defense motions, like denials of motions made before and during the trial, may provide grounds for the defense attorney to file an appeal.

Appeals

Appellate cases in Florida generally proceed from the trial court to the next highest court, i.e., from County Court where misdemeanor trials are conducted to Circuit Court; or from Circuit Court to the District Court of Appeals (there are four in Florida). Certain appeals may be taken to the Florida Supreme Court. If the defense attorney has reason to challenge the proceedings as violating rights protected under the U.S. Constitution he may also try the route of collateral attack through another court, i.e., try to win a hearing in a Federal Court on the Constitutional issue. If he loses at all levels, he may, of course, seek a hearing before the U.S. Supreme Court. The more serious the crime, the more complicated the issued, and the more severe the penalty, the greater the likelihood that each appellate and attack route will be attempted. A case which results in a death sentence may take years to proceed through all the channels available to the defense. The state will not take a defendant's life without the most thorough and rigorous examination at many levels of the facts and law involved. A flow chart illustrating post-trial processes is provided in figure 4.

As we can see, criminal justice process is complicated, and many outcomes are possible. There can be little doubt that the defendant may avail himself of many procedural protections along the way. The Public Defender's Office sees to it that it is not only the well-heeled who can make use of these protections. On the other hand, the state has command of may resources to charge and seek the conviction of those who can be proven guilty of their crimes. Whether the rights and powers of defense and prosecution are in proper balance is a matter of continual controversy and certainly beyond the scope of this manual.

Figure 4: POST-TRIAL PROCESSES


DEFENSE ATTORNEY
Post-Trial Motions
Convicted Defendants
Sentencing
CORRECTIONS
TRIAL JUDGE
Pre-Sentence Investigation
PAROLE AND PROBATION
U.S. SUPREME COURT
FLORIDA SUPREME COURT
Appeals
Felonies
DISTRICT COURT OF APPEALS
Misdemeanors
CIRCUIT COURT

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VIII. THE ROLES OF CITIZENS

We, the citizens, have essential roles to play in the criminal justice system. It cannot operate without the support and often active participation of ordinary citizens. We can play two sorts of roles: direct and indirect.

Direct Participation

We participate directly when we are victims of or witnesses to crimes, or when we are called to jury duty. If we suffer at the hands of a criminal or observe a criminal act, we must report it to police. Law enforcement is not always able to solve the crime or capture the offender, but without citizen participation the police would be helpless indeed. On the other hand, we should not burden the police with matters which are not really crimes, but personal problems and conflicts. Similarly, we should not insist the police dedicate the time and efforts of platoons of men to the investigation of petty offenses such as theft of a water sprinkler from an open yard. We should try to keep crime in perspective and cooperate as fully as possible in the effort to enforce the law against those who present a real danger to the community.

If we are called to jury duty, we should not seek ways of avoiding it. We should support, insofar as possible, this institution of a democratic society which enables those accused of crimes to be judged by their fellow citizens. We would want no less if we were the accused or the victim of crime.

Indirect Participation

We participate indirectly as voters and taxpayers. The Sheriff, the State Attorney, the Public Defender, the judges of the Circuit and County Courts are all elected officials. Often incumbants go unchallenged for reelection, but we should encourage qualified persons to run the these offices. When primary elections and final elections involving these offices are held, we should be mindful of the qualifications of those who are running as well as the performance of those who occupy these positions of power and authority in our community.

Citizens can also have great influence on the legislative process by which laws are enacted and burdens are created for the criminal justice system. Statutes define what acts are crimes, how serious each offense is, and what sentences may be imposed for each. Too often people expect the criminal justice system to provide cures for social and moral ills in our society which can better be addressed by means other than criminal prosecution. On the other hand, many acts which are dangerous to the safety and welfare of citizens are not penalized heavily enough under present laws. Concerned citizens should make their feelings known to their elected representatives in the House and Senate of Florida whenever bills concerning the criminal law are being considered.

As taxpayers we should be aware of the costs of criminal justice, and express our opinions regarding the budgets of the various agencies in the system. Cities support their own police departments. The County funds the Sheriff's department. The major portions of the budgets of the County and Circuit Courts, and the offices of State Attorney and Public Defender come from the State treasury, but certain expenses are covered by the County. Most corrections activity is state-funded, but the county pays for the jail, the prison farm, and some other facilities. Federal grants are used by all criminal justice agencies to support new or special projects and programs such as those of the Court Alternatives Center, though local match moneys must be provided to cover a portion of their costs.

The average citizen cannot be expected to comprehend all the issues and problems involved in budgeting for the many offices and agencies of criminal justice, but we can at least listen to and read the position taken by the spokesmen for the major agencies, form opinions as to whether their arguments seem sound, and voice these opinions to our elected representatives in the legislature and on the county and city commissions.

In conclusion, it has often been said that people get the kind of government they deserve. It seems obvious that people also get the sort of criminal justice they are willing to demand and support.

PRESS HARD YOU ARE MAKING 5 COPIES — USE BALL POINT PEN ONLY

USE SEPARATE FORMS FOR EACH DEFENDANT AND FOR MULTIPLE OFFENSES OCCURRING AT DIFFERENT TIME, DATE OR LOCATION.

ARREST AFFIDAVIT

COURT CASE NUMBERS
1.
2.
3.
4.

ARREST INITIATION
☐ CRIME SCENE
☐ WALK IN
☐ TURNED SELF IN
☐ WARRANT ☐ CAPIAS
(ENTER NUMBER)

		☐→ CHECK TRUE NAME ☐→	DEFENDANT NAME (LAST, FIRST, MIDDLE)	☐ ROR ☐ JAIL	
BOOKING OFFICER	JAIL NUMBER		A K A	* CO-DEF	COMPLAINT DATE
AGENCY CASE NO	DATE OF BIRTH / /		PERMANENT ADDRESS (STREET NO., STREET NAME, CITY) PHONE	STATE	ZIP CODE · CNTY

DEFENDANT REQUIRED TO APPEAR IN CIRCUIT COURT	SEX M F	HEIGHT	WEIGHT	RACE W I J L B C O UNK	EYE COLOR BLK BRO GRN MAR BLU GRY HAZ PNK (UNK) · HAIR COLOR BAL BLN GRY RED BLK BRO WHI SYN (UNK)

ON ______
AT ______ AM/PM

DEFENDANT REQUIRED TO APPEAR IN COUNTY COURT
ON ______
AT ______ AM/PM

SOCIAL SECURITY NUMBER	OCCUPATION OR EMPLOYER					DISTINGUISHING MARKS	
ARREST DATA →	DATE / /	MILITARY TIME	SECTOR	STREET ADDRESS	CITY	STATE	CNTY
OFFENSE DATA →	DATE / /	MILITARY TIME	SECTOR	STREET ADDRESS	CITY	STATE	CNTY

OFFENSES (LIST STATUTE NUMBERS WITH OFFENSE NAMES)	STATUTE NUMBER
1. F M J	
2. F M J	
3. F M J	
4. F M J	

VICTIM	ADDRESS	PHONE

CLERK COURT COPY	PRINCIPAL ARRESTING OFFICER/AGENCY (PRINT)	OFFICER ID NO	BONDSMAN/SURETY NAME	BOND AMOUNT

CO-DEFENDANTS (LAST NAME, FIRST, MIDDLE)	
A	C
B	D

PROBABLE CAUSE

SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT:
The above named defendant was arrested for the following reasons:

The preceeding is true to the best of my present knowledge or belief.

Signature______________________________ Agency______________________________

NOTARY/ASA______________________________ Notarization: Sworn & Subscribed before me this ______ day of

______________, 19____

My commission expires______________________________

BOOKING SHEET

CASE NO. ______________________

ARREST NO. ____________________

ARRESTEE'S NAME ____

STREET ADDRESS ____

CITY ______________________ STATE ______________________ ZIP ____________

PHONE NO. ______________ AGE/ __________ SEX/ __________ RAC/ __________

NAME (S) OF ARRESTING OFFICER (S) ____

____

CHARGES: ____

____

____

____

____

BOOKING OFFICER HAS ADVISED ARRESTEE OF THE FOLLOWING RIGHTS:

a. You have the right to have a lawyer.

b. If you cannot afford to pay a lawyer, one will be appointed for you immediately at no charge.

c. Do you want to have a lawyer now? __________ YES __________ NO

IF ARRESTEE SAYS HE DOES NOT WANT A LAWYER, HE MUST SIGN THE FORM BELOW:

I do not want an attorney and I hereby waive my right to have an attorney. I do so voluntarily and of my own free will. No one has made any promises, threats, or inducements of any kind in order to make me sign this waiver.

____

Signature of Arrestee

We, the undersigned, certify that the above waiver was signed voluntarily by the arrestee:

1.____
Signature of first witness

2.____
Signature of second witness

IF THE ARRESTEE SAID HE DOES WANT A LAWYER, THE BOOKING OFFICER MUST COMPLETE THE FORM BELOW, IN FULL:

Name of attorney with whom arrestee spoke;

____

____
Phone number of attorney

(NOTE: Arrestee must speak with a lawyer in person. The lawyer's wife, secretary, office personnel, investigator, etc. is not acceptable.)

ARRESTEE spoke with attorney over phone: ____________ YES ____________ NO.

DEFENSE COUNSEL came to station, in person, and spoke with arrestee:

____________ YES ____________ NO

BOOKING OFFICER'S summary of attempts to contact attorney. State reasons for attorney's delay or failure to talk with arrestee:

____

____

____

____

BOOKING OFFICER SHOULD CHECK ONE OF THE FOLLOWING:

ARRESTEE IS IN CUSTODY ____________ (Arrestee must be taken to next advisory hearing)

ARRESTEE IS RELEASED ON BOND ____________ (Arrestee must appear at next arraignment)

Amount of Bond: ______________________________

Name of Bondsman: ______________________________

ARRESTEE IS RELEASED ON OWN RECOGNIZANCE: ______________________________
(Arrestee must appear at next arraignment)

____
Name of Booking Officer

Original to Court Clerk ______________________________

Copy to Office of State Attorney ______________________________

Copy to Department File ______________________________

COMMENTS: ______________________________

Form compiled by Office of State Attorney

CHECK LIST DATE__________

TO ACCOMPANY THE BOOKING REPORT

ARRESTEES NAME: ______________________________

CHARGE: ______________________________

SUBJECT SPOKE WITH ATTORNEY ______YES ______NO

SUBJECT WAIVED RIGHT TO ATTORNEY ______YES ______NO

ATTEMPT MADE TO CONTACT ATTORNEY ______YES ______NO

PERSONAL PROPERTY TAKEN ______YES ______NO

AUTO IMPOUNDED ______YES ______NO

VEHICLE STORED AT: ______________________________

____
ARRESTING OFFICER SIGNATURE

JAILER'S REPORT

SUBJECT FINGERPRINTED ______YES ______NO

SUBJECT PHOTOGRAPHED ______YES ______NO

NCIC/FCIC CRIMINAL HISTORY CHECKED ______YES ______NO

TELETYPE OPERATOR SIGNATURE ______________________________

ARREST AFFIDAVIT ATTACHED ______YES ______NO

BOOKING SHEET ATTACHED ______YES ______NO

FINGER PRINTS ATTACHED ______YES ______NO

FIRST APPEARANCE ATTACHED ______YES ______NO

COURT APPOINTED ATTORNEY
REQUEST FORM ATTACHED ______YES ______NO

BOOKING SHEET COMPLETED ______YES ______NO

JAILER, IF ANY OF ABOVE IS NO EXPLAIN ______________________________
____

CHECK LIST FILLED OUT COMPLETELY ______YES ______NO

____
RECEIVING OFFICER'S SIGNATURE

TO BE FILLED OUT AT TIME OF FIRST APPEARANCE OR RELEASE:

SUBJECT HAD FIRST APPEARANCE HEARING ______YES ______NO

IF NO IS CHECKED, EXPLAIN ______________________________
____
____

JUDGE APPOINTED ATTORNEY FOR DEFENDANT ______YES ______NO

NAME OF JUDGE ______________________________

____
CORRECTION OFFICER'S SIGNATURE

DATE ______________________________

INTERVIEWED BY CORRECTIONAL OFFICER ____________________ DATE ________ CELL# ____________

____

RE-INTERVIEW BY CLASSIFICATION OFFICER: ______________________________

1. CELL ASSIGNMENT: VERY GOOD ____ OK ____ NOT BEST BUT HE'LL STAY ____ WILL CHANGE ____

   TO CELL# ____

2. NOT GETTING HIS SHARE OF: PHONE CALLS ___ SHOWERS ___ FOOD ___ RECREATION ______

   OTHER ____

3. POTENTIAL PROBLEMS IN THE CELL ______________________________________

   REFERRED TO ____

____

INMATE CELL PLACEMENT SLIP

NAME ____________________ # __________ CELL ______ PER C.O. ____________

CORRECTIONAL OFFICER'S ALTERNATIVE SUGGESTION __________ REASONS ____________

____________________ PLACEMENT VERIFIED BY CLASSIFICATION ____________

____

____

PRISONER'S PERSONAL PROPERTY RECORD

DATE SEARCHED ______________ SEARCHING OFFICER ______________________

CURRENCY __________ WALLET ______________ WATCH ______________________

COINS ________ KNIFE ________ RINGS ____________ CHECKS __________ LIGHTER __________

BELT ________ HAT __________ OTHER ITEMS ______________________________

____

I CERTIFY THAT THE ABOVE IS A TRUE LIST OF MY PERSONAL PROPERTY REMOVED FROM MY POSSESSION AT THE TIME I WAS PLACED IN JAIL. PRISONER'S SIGNATURE ______________________

DATE ______________ RECEIVING OFFICER ______________________________

____

____

I HAVE RECEIVED ALL OF THE ABOVE ITEMS EXCEPT FOR WITHDRAWLS SHOWN ON "COUNTY JAIL REQUEST FORMS": PRISONER'S SIGNATURE ______________________ DATE ______________

____

____

INMATE RELEASE

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION IN BLACK
LAST NAME NAM FIRST NAME MIDDLE NAME

FBI LEAVE BLANK

STATE USAGE

ALIASES AKA

ORI
FL0470000
SO
OKEECHOBEE FLA

SIGNATURE OF PERSON FINGERPRINTED

DATE OF BIRTH DOB
Month Day Year

THIS DATA MAY BE COMPUTERIZED IN LOCAL, STATE AND NATIONAL FILES

DATE ARRESTED OR RECEIVED DOA

SEX RACE HGT WGT EYES HAIR

PLACE OF BIRTH POB

DATE SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

CHARGE
1
2
3

NCIC

YOUR NO OCA

FBI NO FBI

SID NO SID

SOCIAL SECURITY NO SOC

LEAVE BLANK

CLASS

REF

FINAL DISPOSITION
1.
2.
3.

CAUTION ☐

NCIC CLASS - FPC

1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE
6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

L. THUMB

R. THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

Reel

Check Name*

ANA* Yes ☐ No ☐

Add D.O.B.* Yes ☐ No ☐

1 2 3 4 5

Aliases for Input*

CHQU

6 7 8 9 10

Old F/P Class

Blocking Out

Blocking Out Reference

Classed By:

Old Height

Old Weight

Old Hair

Idented By:

Frame

Mod. P.O.B.* Yes ☐ No ☐

Add SSN* Yes ☐ No ☐

In NCIC Yes ☐ No ☐

120

FDLE No.

Reel and Frame

Blocked Out By:

Mod. Reel and Frame*

Verified By:

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
P. O. BOX 1489, TALLAHASSEE, FLORIDA 32302

PALM PRINTS TAKEN? YES ☐ NO ☐

PHOTO AVAILABLE? YES ☐ NO ☐

IF AVAILABLE, PASTE PHOTO OVER INSTRUCTIONS IN DOTTED AREA → (DO NOT USE STAPLES)

SINCE PHOTOGRAPH MAY BECOME DETACHED INDICATE NAME, DATE TAKEN, FBI NUMBER, CONTRIBUTOR AND ARREST NUMBER ON REVERSE SIDE, WHETHER ATTACHED TO FINGERPRINT CARD OR SUBMITTED LATER.

IF ARREST FINGERPRINTS SENT FBI PREVIOUSLY AND FBI NO. UNKNOWN, FURNISH ARREST NO. ________________ DATE ________________

STATUTE CITATION (SEE INSTRUCTION NO. 9) CIT

1.
2.
3.

ARREST DISPOSITION (SEE INSTRUCTION NO. 5) ADN

1.
2.

EMPLOYER: IF U. S. GOVERNMENT, INDICATE SPECIFIC AGENCY
IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.

OCCUPATION

RESIDENCE OF PERSON FINGERPRINTED

SCARS, MARKS, TATTOOS, AND AMPUTATIONS SMT

BASIS FOR CAUTION ICO

DATE OF OFFENSE DOO

SKIN TONE SKN

MISC. NO. MNU

ADDITIONAL INFORMATION

IC-10(REV. 7/73)

INSTRUCTIONS

1. UNLESS OTHERWISE PROVIDED BY REGULATION IN YOUR STATE, FINGERPRINTS ARE TO BE SUBMITTED DIRECTLY TO FBI IDENTIFICATION DIVISION. FORWARD IMMEDIATELY FOR MOST EFFECTIVE SERVICE.
2. FINGERPRINTS SHOULD BE SUBMITTED BY ARRESTING AGENCY ONLY (MULTIPLE PRINTS ON SAME CHARGE SHOULD NOT BE SUBMITTED BY OTHER AGENCIES SUCH AS JAILS, RECEIVING AGENCIES, ETC.). REQUEST COPIES OF FBI IDENTIFICATION RECORD FOR ALL OTHER INTERESTED AGENCIES IN BLOCK BELOW. GIVE COMPLETE MAILING ADDRESS, INCLUDING ZIP CODE.
3. TYPE OR PRINT ALL INFORMATION.
4. NOTE AMPUTATIONS IN PROPER FINGER BLOCKS.
5. LIST FINAL DISPOSITION IN BLOCK ON FRONT SIDE. IF NOT NOW AVAILABLE SUBMIT LATER ON FBI FORM R-84 FOR COMPLETION OF RECORD. IF FINAL DISPOSITION NOT AVAILABLE SHOW PRE-TRIAL OR ARRESTING AGENCY DISPOSITION, e. g., RELEASED, NO FORMAL CHARGE, BAIL, TURNED OVER TO, IN THE ARREST DISPOSITION BLOCK PROVIDED ON THIS SIDE.
6. MAKE CERTAIN ALL IMPRESSIONS ARE LEGIBLE, FULLY ROLLED AND CLASSIFIABLE.
7. CAUTION - CHECK BOX ON FRONT IF CAUTION STATEMENT INDICATED. BASIS FOR CAUTION (ICO) MUST GIVE REASON FOR CAUTION, e. g., ARMED AND DANGEROUS, SUICIDAL, ETC.
8. MISCELLANEOUS NUMBER (MNU) - SHOULD INCLUDE SUCH NUMBERS AS MILITARY SERVICE, PASSPORT AND/OR VETERANS ADMINISTRATION (IDENTIFY TYPE OF NUMBER).
9. PROVIDE STATUTE CITATION, IDENTIFYING SPECIFIC STATUTE (example - PL for PENAL LAW) AND CRIMINAL CODE CITATION INCLUDING ANY SUB-SECTIONS.
10. ALL INFORMATION REQUESTED IS ESSENTIAL.

SEND COPY TO:

REPLY DESIRED? YES ☐ NO ☐

(REPLY WILL BE SENT IN ALL CASES IF SUBJECT FOUND TO BE WANTED)

IF COLLECT WIRE OR COLLECT TELEPHONE REPLY DESIRED, INDICATE HERE: (WIRE SENT ON ALL UNKNOWN DECEASED)

WIRE REPLY ☐ TELEPHONE REPLY ☐ TELEPHONE NO. AND AREA CODE ________________

LEAVE BLANK

LEAVE BLANK

Reel

Old Occupation

Old Address

Old City

Old State

Frame

Add SMT* Yes ☐ No ☐

Caution Flags

Add MNU* Yes ☐ No ☐

121

ASTERISKED (*) FIELDS MANDATORY

OKEECHOBEE COUNTY JAIL
OKEECHOBEE, FLORIDA

Name ______________________ Jail No. ______________

Charge: ______________________

Arresting Officers: ______________________

Date ______________ Time: __________ A.M. __________ P.M.

The following articles taken from prisoner:

$ ______________

____

____

____

____

____

____

______________________ Witness

______________________ Prisoner's Signature

______________________ Witness

Remarks: ______________________

____

____

If articles not in envelope; note where stored.
If prisoner unable to sign above, note why under "Remarks"
and have two witnesses sign as to articles taken.

Prisoner's Receipt for Articles

Received of Okeechobee Police Dept. this ______________ day

of ______________, 19______ the above listed articles.

______________________ Signature

Delivered by

BEST COPY AVAILABLE

FINAL DISPOSITION REPORT

This form is a requirement of Section 943.052 Florida Statutes and CH 11C-4.06 Florida Administrative Code. Submit to:

Florida Department of Law Enforcement
Crime Information Bureau
Post Office Box 1489
Tallahassee, Florida 32302

FBI NUMBER	
OBTS NUMBER	

NOTE: Instructions on Reverse Side.

FDLE NUMBER	NAME ON FINGERPRINT CARD SUBMITTED TO FDLE Last First Middle				
CONTRIBUTOR OF FINGERPRINTS	DATE OF ARREST M D Y	ARREST NUMBER	SEX	RACE	DATE OF BIRTH M D Y

ARRESTING AGENCY

OFFENSES CHARGED AT ARREST	NCIC CODE	FLORIDA STATUE
1.		
2.		
3.		
4.		
5.		

COURT ACTION

CONTRIBUTOR OF DISPOTION DATA	DISPOSITION DATE M D Y
	COURT DOCKET NUMBER

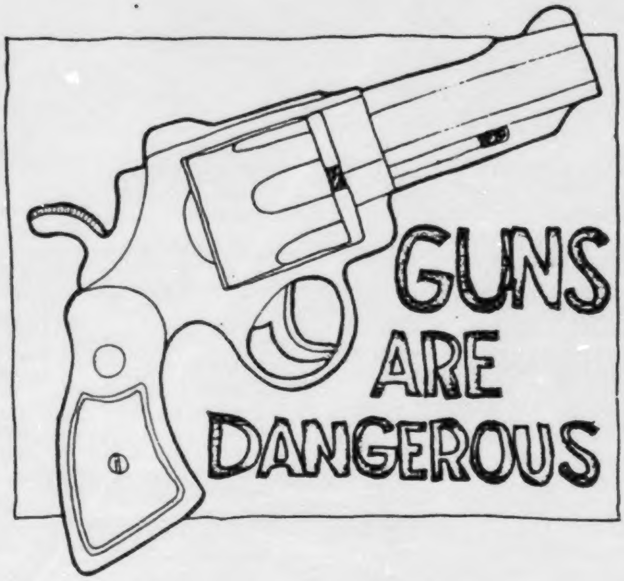
FINAL CHARGES	Not filed on by State Attorney	Nolle Prossed by State Attorney	Acquitted	Dismissed	Convicted	Adjudication Withheld	Convicted Sentence Deferred	Acquitted—Insanity	Acquitted Mental Incompetent	Charge Dismissed Insanity	Charge Dismissed Mental Incompetent	Charge pending Insanity	Charge Pending Mental Incompetent	Extradicted	Other*
1.															
2.															
3.															
4.															
5.															

SENTENCE PROVISIONS

1.
2.
3.
4.
5.

*Explain use of "Other" in Sentence Provision Fields

RIGHT FOUR FINGERS PRINTED SIMUTANEOUSLY


GUNS
ARE
DANGEROUS

Guns may be dangerous,
But books are not.

A BIBLIOGRAPHY OF BOOKS FOR STUDENTS WHO WANT TO KNOW MORE ABOUT LAW

PRIMARY LEVEL

Addy, Sharon * We Didn't Mean To. Raintree, 1981. The random acts of vandalism by Tommy and his friends hold unforeseen consequences for them (fiction)

E B E * Values: Right or Wrong. SFS. Covers rules, responsibility, fair play, ownership of property, etc.

Creative Learning * What Would You Do. SFS. Presents dilemmas dealing with stealing, tattling, cheating, and lying

Learning Tree * Being A Good Citizen. SFS, 1981. Dramatized scenes promote good school citizenship, justifies common school regulations, includes vandalism and the important of cooperation

Robinson, Barry * On the Beat: Policemen at Work. Harcourt Brace, 1968. Shows how policemen help people and how they protect lives and property by enforcing the law.

SVE * Citzenship Adventures of the Lollipop Dragon. SFS. Discusses rules, changing rules, civic responsibility and choices.

Wina, Marie * Shiver, Gobble, and Snore. Simon and Schuster, 1971. Simple explanation of why people need laws to live together without fighting and hurting each other. Discusses the difference between good rules and bad rules.

INTERMEDIATE LEVEL

EBE * Law and Youth. SFS. Covers juvenile--adult or minor, juvenile justice, and rights and responsibilities.

_____ * Law and Lawmakers. SFS. Covers law and social order, foundations of law, and how a law is made.

_____ * Laws and Crime. SFS. Includes crime and punishment -- changing views, criminal justice--goals and challenges, and criminal punishment -- two alternatives.

Educational Activities * Trouble. SFS, 1975. Shoplifter describes the cycle that a young person can fall into when he/she is caught.

Fincher, Ernest Barksdale * American Legal System. Watts, 1980. Explains legal system in the U.S. by relating the experiences of two teenagers accused of crimes: one is tried in juvenile court, the other in adult court. Describes the roles of lawyers, judges, as well as court proceedings and different types of laws.

Francis, Dorothy **Brenner** * **Shoplifting**: The Crime Everybody **Pays For**. Elsevier/Nelson, 1979. Defines shoplifting, denotes the high rate of increase and identifies the way tne crime occurs, as well as the many different kinds of people who shoplift. Shows that when shopowners take measures to protect themselves, the cost is passed to the consumer.

Haskins, James * Street Gangs: Yesterday and Today. Hastings House, 1974. Traces the history of street gangs. Discusses who joins gangs and the reason for their existence.

Madison, Arnold * Arson! Watts, 1978. Explores all areas of arson including teenage arson. Discusses methods used by arsonists and investigators.

______ * Don't Be a Victim. Messner, 1978. Suggests precautions for avoiding physical harm and lose of personal property at home, at play, at shcool, and on the road.

Millimaki, Robert * Making of a Detective. Lippincott, 1976. The reader is invited to learn methods of solving crimes by becoming a polcie detective's partner, investigating crime scenes and searching for clues.

Random House Educational Media * Law: The Rules of the Game, 1975. SFS. Covers the need for law, types of laws, how laws develop, what makes a good law, how and why laws are changed, who makes laws, and how laws are enforced. A mock trial illustrates courtroom procedure.

SVE * Understanding the Law. SFS. Covers the reason for laws, how laws are enforced, the roles of lawyers, judges, etc., and the juvenile court system.

JUNIOR HIGH LEVEL

Archer, Jules * You and the Law. Harcourt, 1978. Concentrates on judicial procedure, what can be expected by a person as a juror, witness, victim, defendant or convict. Also includes sections of rights of students, aspects of suing and being sued.

Atkinson, Linda * Your Legal Rights. Watts, 1982. Areas covered include commercial activities, drugs, arrest and juvenile court. Illustrated by using hypothetical situations.

Arnold, Peter * Crime and Youth: A Practical Guide To Crime Prevention. Messner, 1976. Methods of self-defense against a variety of crimes such as assault, rape, and robbery, are offered to young people who are most likely to be victims.

Berger, Melvin * Police Lab. Day, 1976. Sampling of police cases leads to the activities of the police lab in analyzing physical evidence rleated to the crime. Includes fingerprinting, ballistics, and the work of the document examiner and medical examiner.

Bloomstein, Morris J. * Verdict: The Jury System. Dodd, 1972. Concentrates on the system in the U. S. Includes selection of jurors, permissable activities of jurors, different kinds of verdicts, roles of judge and lawyers at a trial, and variations in state and federal requirements.

Dolan, Edward F. Jr. * Gun Control: A Decision for Americans. Watts, 1978. As well as the pro and con side of gun control, the book also covers laws and regulations relating to firearms.

Erglebardt, Leland S. * You Have a Right. Northrop, 1979. Deals with the questions of the rights of minors and indicates where youth can find legal aid when rights are abused or ignored.

Gonoditzky, Charles W. * What You Should Know About Drugs. Harcourt, 1970. Source of all information pertinent to the various types of drugs.

Haskins, Jim * Your Rights: Past and Present, Guide for Young People. Hawthorn Books, 1975. Surveys the development of youth rights in areas of labor, school, in the home, and points out how rights can be endangered.

Hyde, Margaret O * Juvenile Justice and Injustice. Watts, 1977. Discusses delinquency, gangs, alternatives to the courts, abuses and inequities of treatment of juveniles in the legal system and its attendant social programs.

Levy, Elizabeth * Lawyers for the People: A New Breed of Defenders and Their Work. Knopf, 1974. Experiences of a number of lawyers representing people who cannot afford legal services, includes justice for juveniles, equal rights for women, defense of radicals, prison reform and stopping the use of DDT.

Loeb, Robert H * Crime and Capital Punishment. Watts, 1978. Presents an overview of the history of capital punishment. Discusses theories of crime deterrent effects and moral and legal principles involved.

Madison, Arnold * Vandalism: The Not-So-Senseless Crime. Seabury, 1970. Discusses types of vandalism, motivation and causes.

Seuling, Barbara * You Can't Eat Peanuts in Church, and Other Little Known Laws. Doubleday, 1975. Collection of off-beat laws from all parts of the U.S.

Sgior, Peter * Blue Jeans and Black Robes. Messner, 1979. Examines Supreme Court efforts to redefine the rights of minors especially as they apply to schools. Landmark cases are presented.

Sloan, Irving J * Youth and Law: Rights, Privileges and Obligations. Oceana, 1978. Criminal and civil law discussed as it applies to juveniles in cases of problems with automobiles, narcotics, contracts and the judicial system.

Stevens, Leonard A * Death Penalty: The Case of Life vs. Death in the U.S.. Coward McCann, 1978. Explores Furman vs. Georgia case of 1972 which led to Supreme Court reconsideration of the death penalty.

Swiger, Elinor Porter * Law in Your Everyday Life. Prentice Hall, 1978. Discusses how laws are made and enforced and especially laws pertaining to driving, working, marriage, crimes and young people.

Zerman, Melvin Bernard * Beyond a Reasonable Doubt: Inside the American Jury System. Crowell, 1981. Describes how the American jury system works and discusses its strengths and weaknesses, courtroom procedures, jury selection, and final charge to the jury by using historical and ficticious examples.